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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 20 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)

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SALT LAKE CITY, UT

WHEN: May 9 at 9:00 am

WHERE: State Office Building Auditorium
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Contents

Federal Register

Vol. 60, No. 70

Wednesday, April 12, 1995

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 60, No. 70
Wednesday, April 12, 1995

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV94–932–2FIR]

Olives Grown in California; Expenses and Assessment Rate for 1995 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that authorized expenses and established an assessment rate for the California Olive Committee (Committee) under Marketing Order No. 932 for the 1995 fiscal year. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATES: January 1, 1995, through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 720–5127; or Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 932 (7 CFR part 932), as amended, regulating the handling of olives grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, olives grown in California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable olives and expenses applied to the 1995 fiscal year, beginning January 1, 1995, through December 31, 1995. This final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 5 handlers of olives regulated under the marketing order each season and approximately 1,350 olive producers in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR § 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. None of the handlers may be classified as small entities. The majority of the producers may be classified as small entities.

The marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable olives. Annual budgets of expenses are prepared by the Committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the Committee are handlers and producers of California olives. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The Committee's budget is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing the anticipated expenses by actual receipts of olives by handlers. Because that rate is applied to olive receipts, it must be established at a rate which will provide sufficient income to pay the Committee's expected expenses.

The California Olive Committee met on December 8, 1994, and unanimously recommended a total expense amount of $2,881,650, for its 1995 budget. This is $866,640 less in expenses than the previous year.

The Committee also unanimously recommended an assessment rate of $30.04 per ton for the 1995 fiscal year, which is $2.83 more in the assessment rate from the 1994 fiscal year. The assessment rate, when applied to actual receipts of 69,300 tons from the 1994 olive crop, would yield $2,081,772 in assessment income. This, along with approximately $800,000 from the Committee's authorized reserves will be adequate to cover estimated expenses.

Major expense categories for the 1995 fiscal year include $1,479,000 for marketing expenses, $682,000 for food

services, and $178,630 for salaries. Funds in the reserve at the end of the fiscal year, estimated at $200,000 will be within the maximum permitted by the order of one fiscal year's expenses.

An interim final rule was issued on January 18, 1995, and published in the Federal Register. That rule provided a 30-day comment period which ended February 23, 1995. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs should be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the specified expenses for the marketing order covered in this rule are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995 fiscal year for the program began January 1, 1995. The marketing order requires that the rate of assessment apply to all assessable olives as applicable during the fiscal year. In addition, handlers are aware of this action which was recommended by the Committee at a public meeting and published in the Federal Register as an interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 932 which was published at 60 FR 4531 on January 24, 1995, is adopted as a final rule without change.

Dated: April 6, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–8947 Filed 4–11–95; 8:45 am]

BILLING CODE 3410–02–P

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 94–010F]

Imported Product: Withdrawal of Czechoslovakia; Addition of the Czech Republic to the List of Eligible Countries

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice; affirmation of effective date.

SUMMARY: On February 24, 1995, the Food Safety and Inspection Service (FSIS) published a direct final rule titled Imported Product: Withdrawal of Czechoslovakia; Addition of the Czech Republic to the List of Eligible Countries. This direct final rule notified the public of FSIS' intention to amend the Federal meat inspection regulations by removing Czechoslovakia from the list of foreign countries eligible to import meat products to the United States, and adding the Czech Republic in its place. No adverse comments were received in response to the direct final rule. Therefore, this rule is effective on April 25, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 720–7164.

SUPPLEMENTARY INFORMATION: This notice affirms the effective date of the direct final rule titled Imported Product: Withdrawal of Czechoslovakia; Addition of the Czech Republic to the List of Eligible Countries that was published on February 24, 1995, at 60 FR 10305. This direct final rule notified the public of FSIS' intention to amend the Federal meat inspection regulations by removing Czechoslovakia from the list of foreign countries eligible to import meat products to the United States, and adding the Czech Republic in its place. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to this rule. Therefore, the effective date of the rule is April 25, 1995.

Done at Washington, DC, on April 5, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–8937 Filed 4–11–95; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–ANE–37; Amendment 39–9192; AD 95–08–03]

Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to General Electric Company (GE) CF6–45/-50 series turbofan engines, that requires reduction of the low cycle fatigue (LCF) retirement lives for certain high pressure turbine rotor (HPTR) stage 2 disks, and would provide a drawdown schedule for those affected parts with reduced LCF retirement lives. This amendment is prompted by the results of a refined life analysis performed by the manufacturer which revealed minimum calculated LCF lives significantly lower than published LCF retirement lives. The actions specified by this AD are intended to prevent a LCF failure of the HPTR stage 2 disk, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective June 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 12, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, OH 45246. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA

01803–5299; telephone (617) 238–7138; fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6–45/-50 series turbofan engines was published in the Federal Register on December 20, 1994 (59 FR 65513). That action proposed to require a reduction of the published low cycle fatigue (LCF) retirement lives for certain high pressure turbine rotor stage 2 disks, and would provide a drawdown schedule for those affected disks with reduced LCF retirement lives. If the Federal Aviation Administration (FAA) approved rework is accomplished, the LCF retirement life may be increased to 8,750 or 9,700 cycles, depending on the cycles since new of the disk when the rework is performed. The actions would be performed in accordance with GE CF6–50 Service Bulletin No. 72–1069, dated September 12, 1994.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters support the rule as proposed.

Since publication of the NPRM, the FAA has increased its estimate of the average labor cost to $60 per work hour, and has revised the economic analysis of this final rule accordingly.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed with the changes described previously. The FAA has determined that these changes will not increase the scope of the AD.

The FAA estimates that 280 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 194 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $16,383 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $7,846,440.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–08–03 General Electric Company: Amendment 39–9192. Docket 94–ANE–37.

Applicability: General Electric Company (GE) CF6–45/50 series turbofan engines installed on but not limited to Airbus A300 series, Boeing 747 series, and McDonnell Douglas DC–10 series aircraft.

Note: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent a low cycle fatigue (LCF) failure of the high pressure turbine rotor (HPTR) stage 2 disk, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) Remove from service HPTR stage 2 disks Part Numbers (P/N) 1474M49P04, 1474M49P05, 1474M49P06, 9045M35P15, 9045M35P17, and 9045M35P18, in accordance with the following:

(1) For disks that have accumulated less than 3,500 cycles since new (CSN) on the effective date of this airworthiness directive (AD), remove disk from service prior to accumulating 7,080 CSN.

(2) For disks that have accumulated 3,500 CSN or more, but less than 7,080 CSN on the effective date of this AD, remove disk from service prior to accumulating 7,080 CSN, or prior to accumulating 3,100 cycles in service (CIS) after the effective date of this AD, whichever occurs later, but not to exceed 9,700 CSN.

(3) For disks which have accumulated 7,080 CSN or more on the effective date of this AD, remove disk from service at the next piece-part exposure, but not to exceed 9,700 CSN.

(b) Remove from service HPTR stage 2 disks P/N 9264M58P01, 9264M58P02, and 9264M58P03 prior to accumulating 7,080 CSN.

(c) This AD establishes the following new LCF retirement lives which will be published in Chapter 5 of the CF6–50 Engine Task Numbered Shop Manual, GEK 50481: 7,080 cycles for HPTR stage 2 disk P/N 1474M49P04, 1474M49P05, 1474M49P06, 9045M35P15, 9045M35P17, 9045M35P18, 9264M58P01, 9264M58P02, and 9264M58P03.

(d) GE CF6–50 Service Bulletin (SB) No. 72–1069, dated September 12, 1994, describes an FAA-approved rework procedure for the affected disks. Accomplishment of this rework increases the FAA-approved LCF retirement life to 8,750 or 9,700 cycles, depending on the CSN of the disk when the rework is performed.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(g) The actions required by this AD shall be done in accordance with the following service bulletin:

Document No.	Pages	Date
GE CF6–50 SB No. 72–1069. Total Pages: 18	1–18	Sept. 12, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, OH 45246. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 12, 1995.

Issued in Burlington, Massachusetts, on March 31, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–8712 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 95–30]

RIN 1515–AB69

Termination of the Bahamas as a Designated Beneficiary Developing Country Under the GSP

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to the Generalized System of Preferences (GSP) direct importation requirement by adding the Bahamas to the list of countries whose membership in an association of countries for GSP purposes has been terminated by the President. This amendment is intended to clarify that goods of a current beneficiary developing country (BDC) member of the Caribbean Common Market (CARICOM) may be shipped to the United States through the Bahamas and still be considered to be imported directly, provided other applicable regulatory requirements are met. Also, the authority citation for Part 10 is revised to reference an applicable General Note provision of the North American Free Trade Agreement.

EFFECTIVE DATE: April 12, 1995.

FOR FURTHER INFORMATION CONTACT: Lisa Crosby, Office of Field Operations (202) 927–0163.

SUPPLEMENTARY INFORMATION: Title V of the Trade Act of 1974, as amended (19 U.S.C. 2461–2465), authorizes the President to establish a Generalized System of Preferences (GSP)—a trade preference program—to provide duty-free treatment for articles which (1) are designated by the President as eligible articles for purposes of the GSP, (2) are the growth, product, or manufacture of a country designated by the President as a beneficiary developing country (BDC) for purposes of the GSP, (3) have at least 35 percent of their appraised value attributable to the cost or value of materials produced in the BDC and/or the direct costs of processing operations performed in the BDC, and (4) are imported directly from the BDC into the Customs territory of the United States. The Customs Regulations implementing the GSP are contained in §§ 10.171–10.178 (19 CFR 10.171–10.178).

Limitations on preferential treatment under the GSP are contained in 19 U.S.C. 2464. One of the limitations provided for concerns per capita gross national product of a BDC for the determination year: If the President determines that this measure of a designated BDC exceeds the applicable limit for the determination year, then the country will no longer be treated as a BDC. 19 U.S.C. 2464(f).

On February 3, 1995, the President signed Presidential Proclamation 6767, which provided, *inter alia,* that he had determined that the per capita gross national product of the Bahamas exceeded the applicable limit provided for in the Trade Act of 1974. Accordingly, the Proclamation deleted the Bahamas from the GSP lists of independent countries and member countries of the Caribbean Common Market (CARICOM), set forth in General Note 4(a) of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 10.175 of the Customs Regulations (19 CFR 10.175) concerns the GSP direct importation requirement. Paragraph (e)(1) of § 10.175 permits shipment to the United States from a BDC through the territory of a former BDC whose designation as a member of the same association for GSP purposes was terminated by the President pursuant to 19 U.S.C. 2464, provided certain requirements are met. Paragraph (e)(2) of § 10.175 lists such former BDC association members.

This document amends § 10.175(e)(2) of the Customs Regulations by adding the Bahamas to the list of countries whose membership in an association of countries for Generalized System of Preferences (GSP) purposes has been terminated by the President. This amendment is intended to clarify that goods of a current BDC member of the CARICOM may be shipped to the United States through the Bahamas and still be considered to be imported directly, provided the requirements of § 10.175(e)(1) are satisfied.

Also, the general authority citation for Part 10 is revised to reference certain General Note provisions of the Harmonized Tariff Schedule of the United States (HTSUS): General Note 12, which deals with provisions of the North American Free Trade Agreement, General Note 17, which deals with commingled goods, and General Note 20, which authorizes the Secretary of the Treasury to issue rules and regulations governing the admission of articles under the provisions of the tariff schedule. This document adds these reference changes.

Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12866

Because this regulation is necessary to support the objectives of the existing GSP program and since it constitutes a conforming amendment to a benefit already granted the general public, it is determined pursuant to 5 U.S.C. 553(b)(B) that notice and public procedures are unnecessary and contrary to the public interest. Furthermore, for the above reasons, it is determined that good cause exists under the provisions of 5 U.S.C. 553(d)(3) for dispensing with a delayed effective date. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 10

Customs duties and inspection, Foreign relations, Imports, Preference programs, Reporting and recordkeeping requirements, Trade agreements (Generalized System of Preferences).

Amendments to the Regulations

For the reasons set forth above, Part 10, Customs Regulations (19 CFR part 10) is amended as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for Part 10 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

§ 10.175 [Amended]

2. In § 10.175, paragraph (e)(2) is amended by adding ''The Bahamas'' to the list of countries in appropriate alphabetical order.

Approved: March 8, 1995.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 95–8917 Filed 4–11–95; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 334

Danger Zones, Atlantic Ocean South of the Entrance to the Chesapeake Bay, Virginia Beach, Virginia

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending the regulations which establish a danger zone in the waters of the Atlantic Ocean south of the entrance of the Chesapeake Bay due to the relocation of the Southeast Sea lanes of the Atlantic Federal Project Channel. The relocation of the danger zone is necessary to provide an additional measure of safety for vessels operating in the area. As a result of this amendment, the danger zone will be shifted to the south. The overall size and configuration of the danger zone will remain the same.

EFFECTIVE DATE: May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Henderson at (804) 441–7653 or Mr. Ralph Eppard at (202) 272–1783.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the danger zone regulations in 33 CFR 334.390.

The Commanding Officer, Fleet Combat Training Center, Atlantic, U.S. Navy, has requested that the danger zone be amended to reflect changes in the routing of the Southeast Sea Lanes. There are no changes which will affect the public's use of the area. As presently configured, the danger zone is in the path of vessel entering and departing the Southeast Sea Lanes south of the entrance to the Chesapeake Bay. This amendment shifts the entire danger zone to the south. On January 20, 1995, we published these amendments in the Notice of Proposed Rules section of the Federal Register (60 FR 4134–4135) with the comment period expiring on 19 February 1995. We received on comments in response to the proposed rule and accordingly, we are publishing the final rule as proposed.

Economic Assessment and Certification

This rule is issued with respect to a military function of the Defense Department and the provisions of E.O. 12866 do not apply. The relocation of the danger zone will have only minimal impact on recreational, commercial or fishing vessels within the area because the vessels are not prohibited from use of the area except when firing is in progress at the range. The configuration of the danger zone is not affected by this amendment. There will be no impacts on small businesses or governments in the area. I hereby certify that this regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), transportation, restricted areas.

In consideration of the above, the Corps is amending Part 334 of Title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. In § 334.390, paragraph (a) is revised to read as follows:

§ 334.390 Atlantic Ocean south of entrance to Chesapeake Bay; firing range.

(a) *The danger zone.* A section extending seaward for a distance of 12,000 yards between two radial lines bearing 030° True and 083° True, respectively, from a point on shore at latitude 36°46′48″N, longitude 75°57′24″W; and an adjacent sector extending seaward for a distance of 15 nautical miles between two radial lines bearing 083° True and 150° True, respectively, from the same shore position.

* * * * *

Dated: March 24, 1995.

Stanley G. Genega,

Major General, U.S. Army, Director of Civil Works.

[FR Doc. 95–8958 Filed 4–11–95; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9F3855, 2F4121, 4F4413/R2121; FRL–4947–2]

RIN 2070–AB78

Sethoxydim; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a pesticide tolerance for the combined residues of the herbicide sethoxydim (2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide)) in or on the raw agricultural commodities (RACs) clover forage at 35 parts per million (ppm), clover hay at 50 ppm, almond hulls at 2.0 ppm and the crop groupings tree nuts at 0.2 ppm and cucurbit vegetables at 4.0 ppm. The BASF Corp. requested these regulations to establish maximum permissible levels for residues of the pesticide in or on the above commodities and crop groupings.

EFFECTIVE DATE: April 12, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 9F3855, 2F4121, 4F4413/R2121], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring

copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM 25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has issued notices in the Federal Register announcing that BASF Corp., P.O. Box 13528, Research Triangle Park, NC 27709-3528, had submitted pesticide petitions to EPA proposing to amend 40 CFR part 180 pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establishing regulations to permit the combined residues of the herbicide sethoxydim (2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on certain RACs.

1. *PP 9F3855.* Published in the Federal Register of June 29, 1990 (54 FR 26751), the notice proposed establishing a regulation to permit residues of the herbicide on tree nuts at 0.2 ppm and almond hulls at 2.0 ppm.

2. *PP 2F4121.* Published in the Federal Register of December 30, 1992 (57 FR 62334), the notice proposed establishing a regulation to permit residues of the herbicide on clover.

3. *PP 4F4413.* Published in the Federal Register of February 8, 1995 (60 FR 7541), the notice proposed establishing a regulation to permit residues of the herbicide on the crop grouping cucurbit vegetables at 4.0 ppm.

No comments were received in response to the notices of filing.

The filing notice for PP 2F4121 should have proposed establishing a regulation to permit residues of the herbicide in or on clover forage at 35 ppm and clover hay at 50 ppm. Because clover forage and hay are animal feeds, not human foods, and current tolerances in livestock commodities will not be exceeded as a result of the proposed tolerances on clover forage and hay, there is no potential increase risk to humans. Therefore, an additional period of public comment is not necessary.

The scientific data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include:

1. Several acute toxicology studies that place technical sethoxydim in acute toxicity category IV for primary eye and dermal irritation and acute toxicity category III for acute oral, dermal, and inhalation. The dermal sensitization-guinea pig study was waived because no sensitization was seen in guinea pigs dosed with the end-use product Poast (18% a.i.).

2. A 21-day dermal study with rabbits fed dosages of 0, 40, 200, and 1,000 mg/kg/day with a NOAEL (no-observed-adverse-effect level) of greater than 1,000 mg/kg/day (limit dose).

3. A 1-year feeding study with dogs fed dosages (based on consumption) of 0, 8.86/9.41, 17.5/19.9, and 110/129 mg/kg/day (males/females) with a NOEL (no-observed-effect level) of 8.86/9.41 mg/kg/day (males/ females) based on equivocal anemia in males and females at 17.5/19.9 mg/kg/day, respectively.

4. A 2-year chronic feeding/carcinogenicity study with mice fed dosages of 0, 6, 18, 54, and 162 mg/kg/day with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 162 mg/kg/day (highest dose tested [HDT]) and a systemic NOEL of 18 mg/kg/day. A maximum tolerated dose (MTD) was not achieved for females in this study. A determination of the need for an additional study will be made once the replacement chronic feeding/carcinogenicity study in rats is evaluated.

5. A 2-year chronic feeding/carcinogenic study with rats fed dosages of 0, 2, 6, and 18 mg/kg/day (HDT) with no carcinogenic effects observed under the conditions of the study at dosage levels up to and including 18 mg/kg/day (HDT) and a systemic NOEL greater than or equal to 18 mg/kg/day (HDT). This study was reviewed under current guidelines and was found to be unacceptable because the doses used were insufficient to induce a toxic response and a maximum tolerated dose (MTD) was not achieved. This study must be repeated.

6. A chronic feeding/carcinogenic study with rats was submitted to supplement the above study. Rats in this study were fed dosages of 0, 18.2/23.0, and 55.9/71.8 mg/kg/day (males/females) with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 55.9/71.8 mg/kg/day (HDT) (males/females) and a systemic NOEL greater than or equal to 55.9/71.8 mg/kg/day (males/females). The doses used were insufficient to induce a toxic response and failed to achieve an MTD or define a Lowest Effect Level (LEL). Slight decreases in body weights in the final quarter of the study, although not biologically significant, can support a free-standing NOAEL of 55.9/71.8 mg/kg/day (males/females). A new study is necessary to replace both this study and the one discussed above.

7. A developmental toxicity study in rats fed dosages of 0, 50, 180, 650, and 1,000 mg/kg/day with a maternal NOAEL of 180 mg/kg/day and a maternal LEL of 650 mg/kg/day (irregular gait, decreased activity, excessive salivation, and anogenital staining); and a developmental NOAEL of 180 mg/kg/day and a developmental LEL of 650 mg/kg/day (21 to 22% decrease in fetal weights, filamentous tail and lack of tail due to the absence of sacral and/or caudal vertebrae, and delayed ossification in the hyoids, vertebral centrum and/or transverse processes, sternebrae and/or metatarsals, and pubes).

8. A developmental toxicity study in rabbits fed doses of 0, 80, 160, 320, and 400 mg/kg/day with a maternal NOEL of 320 mg/kg/day and a maternal lowest-observable-effect level (LOEL) of 400 mg/kg/day (37% reduction in body weight gain without significant differences in group mean body weights, and decreased food consumption during dosing); and a developmental NOEL greater than 400 mg/kg/day (HDT).

9. A two-generation reproduction study with rats fed dosage levels of 0, 150, 600, and 3,000 ppm (approximately 0, 7.5, 30, and 150 mg/kg/day) with no reproductive effects observed at 3,000 ppm (approximately 150 mg/kg/day) (HDT). However, the Agency considers this study usable for regulatory purposes and has established a free-standing NOEL of 3,000 ppm (approximately 150 mg/kg/ day).

10. Mutagenicity studies included: Ames Assays which were negative for *Salmonella typhimurium* strains TA98, TA100, TA1535, and TA 1537, with and without metabolic activity; sethoxydim did not cause structural chromosomal aberrations at doses up to 5,000 mg/kg in Chinese hamster bone marrow cells *in vivo*; a Host-Mediated Assay (mouse) with *S. typhimurium* was negative at 2.5 grams/kg/day of chemical, and recombinant assays and forward mutations in *Bacillus subtilis, Escherichia coli*, and *S. typhimurium* were all negative at concentrations of greater than or equal to 100%; an *in vitro* Unscheduled DNA Synthesis

Assay in Primary Rat Hepatocytes had a negative response for DNA repair (UDS) in primary rat hepatocyte cultures exposed up to insoluble (greater than 101 micrograms per milliliter) and cytotoxic (507 micrograms per milliliter) doses.

11. In a rat metabolism study, excretion was extremely rapid and tissue accumulation was negligible, assuming DMSO vehicle does not affect excretion or storage of NP-55 (78% excreted into urine and 20.1% into feces).

The reference dose (RFD) based on a NOEL of 8.86 mg/kg bwt/day in the 1-year feeding study in dogs and an uncertainty factor of 100 was calculated to be 0.09 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for the overall U. S. population is 0.032341 mg/kg bwt/day or 35.9% of the RfD. The current action will increase the TMRC by 0.000563 mg/kg bwt/day. These tolerances and previously established tolerances utilize a total of 36.5 percent of the RfD for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6, the current action and previously established tolerances utilize, respectively, a total of 62.75 percent and 73.5 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

Cross Reference Note: These studies are also referenced in an EPA proposed rule on sethoxydim appearing in the ''Proposed Rules'' section of this issue of the Federal Register.

Desirable data lacking based on review of data under current guidelines include a repeat of the chronic feeding/carcinogenicity study in rats. Once the rat study is evaluated, a repeat of the mouse carcinogenicity study may be needed. Because the current studies, although unacceptable by current guidelines, provide useful information and these tolerances utilize less than 1 percent of the RfD, the Agency believes there is little risk from establishing these tolerances. Any additional tolerance proposals will be considered on a case-by-case basis.

The pesticide is useful for the purposes for which these tolerances are sought and capable of achieving the intended physical or technical effect. The nature of the residue is adequately understood, and adequate analytical methods, gas chromatography using sulfur-specific flame photometric detection, are available for enforcement purposes. The method for tree nuts and cucurbits is listed in the Pesticide Analytical Manual, Vol. II (PAM II), as Method I. The analytical methods for clover forage and hay are revisions of the above method. Because of the long lead time from establishing these tolerances until publication, the enforcement methodology for clover forage and hay is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmenal Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number; Rm. 1130A, CM #2, 1921 Jefferson Davis Hwy., Arlington VA 22202.

There are currently no actions pending against the registration of this chemical. Any expectation of residues occurring in eggs, milk, meat, fat, or meat byproducts of cattle, goats, hogs, horses, and sheep or poultry will be covered by existing tolerances.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 would protect the public health. Therefore, EPA is establishing the tolerances as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. 40 CFR 178.20. A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor‘s contentions on each such issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrater determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the maner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office Of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligation of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President‘s priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.412, by revising the section heading and introductory texts of paragraphs (a) and (b) and by amending paragraph (a) in the table therein by adding and alphabetically inserting new entries for almond hulls; clover, forage; clover, hay; and tree nuts and by revising the entry for cucurbits vegetables, to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-(2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following commodities:

Commodity	Parts per million
* * * * *	
Almond hulls	2.0
* * * *	
Clover, forage	35.0
Clover, hay	50.0
* * * * *	
Cucurbits vegetables	4.0
* * * * *	
Tree nuts	0.2
* * * * *	

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-(2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following commodities:

* * * * *

[FR Doc. 95–8731 Filed 4–11–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 180

[PP 4F4318/R2118; FRL–4945–2]

RIN 2070–AB78

Beauveria Bassiana Strain GHA; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement for a tolerance for residues of *Beauveria bassiana* Strain GHA in or on all raw agricultural commodities. Mycotech Corp. requested this exemption.

EFFECTIVE DATE: This regulation becomes effective April 12, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP4F4318/R2118], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring a copy of objections and hearing request to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to : EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Patricia A. Cimino, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703)-308-7035; e-mail: Cimino.Patricia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 13, 1994 (59 FR 35718), EPA issued a notice that Mycotech Corp., 630 Utah Drive, P.O. Box 4109, Butte, MT 59701, had submitted pesticide petition PP 4F4318 proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the microbial pest control agent *Beauveria bassiana* Strain GHA in or on alfalfa, corn, potatoes, rapeseed, safflower, small grain crops, soybeans, sugarbeets, sunflower, rangeland, improved pastures, and in meat, milk or other animal products from livestock grazed on treated rangeland or improved pastures when applied to growing crops in accordance with good agricultural practices.

There were no comments received in response to the notice of filing.

In the Federal Register of February 8, 1995 (60 FR 7543), EPA issued a notice that Mycotech Corp., 630 Utah Drive, P.O. Box 4109, Butte, MT 59701, had submitted an amendment to a pesticide petition, PP 4F4318, proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the microbial pest control agent *Beauveria bassiana* Strain GHA in or on all raw agricultural commodities.

Beauveria bassiana Strain GHA is naturally occurring and was originally isolated from indigenous grasshoppers.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance for *Beauveria bassiana* Strain GHA in or on all raw agricultural crops include an acute oral toxicity/pathogenicity study, an acute dermal toxicity study, an acute pulmonary toxicity/pathogenicity study, an acute intraperitoneal toxicity/pathogenicity study, and primary eye irritation studies.

The results of these studies indicated that the organism was not toxic to test animals when administered via oral, dermal, pulmonary, or intraperitoneal routes.

The active ingredient was not infective or pathogenic to the test animals in any of the studies. Ocular lesions were observed in the eye irritation studies with the technical-grade active ingredient (TGAI) and a wettable powder (WP) formulation and resulted in a Toxicity Category I rating for these products. Minimal ocular irritation was observed in the eye irritation studies done with oil flowable and emulsifiable suspension end-use product formulations indicating that the lesions observed in the eye irritation tests done with TGAI and the WP formulations may have been due to physical effects of the TGAI and inert ingredients. Slight skin irritation persisted in test animals treated with the TGAI resulting in a Toxicity Category III rating. There have been no reports of hypersensitivity related to the active ingredient. All of the toxicity studies submitted are considered acceptable.

The toxicology data provided are sufficient to demonstrate that there are no foreseeable human health hazards likely to arise from use of *Beauveria bassiana* Strain GHA on the requested food and feed commodities when applied during the growing season in accordance with good agricultural practices.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition because the data submitted demonstrated that this biological control agent is not toxic to humans by dietary exposure. No enforcement actions are

expected based on a level of residues in food. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. This is the second exemption from the requirement of a tolerance for this microbial pest control agent. The first exemption appeared in the Federal Register of March 24, 1990 (60 FR 15488).

Based on the information considered, the Agency concludes that establishment of a tolerance is not necessary to protect the public health. Therefore, the exemption from tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections and the relief sought (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticide and pests, Reporting and recordkeeping requirements.

Dated: March 29, 1995.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In Subpart D, by revising § 180.1146, to read as follows:

§ 180.1146 Beauveria bassiana Strain GHA; exemption from the requirement of a tolerance.

Beauveria bassiana Strain GHA is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied to growing crops according to good agricultural practices.

[FR Doc. 95–8727 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180, 185, and 186

[PP 3F4231 and FAP 3H5675/R2122; FRL–4947–4]

RIN 2070–AB78

Imidacloprid; Pesticide Tolerance and Food/Feed Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance and food/feed additive regulations for residues of the insecticide (1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine) (proposed comon name ''imidacloprid'') and its metabolites in or on various commodities. Miles, Inc., requested these regulations to establish these maximum permissible levels for residues of the insecticide and to establish the food and feed additive regulations.

EFFECTIVE DATE: This regulation becomes effective March 31, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 3F4231 and FAP 3H5675/R2122], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis H. Edwards, Product Manager (PM 19), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-3686; e-mail: edwards.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the

Federal Register of October 21, 1993 (58 FR 54354), which announced that Miles, Inc., 8400 Hawthorn Rd., P.O. Box 4913, Kansas City, MO 64120-0013, had submitted pesticide petition 3F4231 and a food/feed additive petition (FAP 3H5675) to EPA requesting that Administrator, pursuant to sections 408(d) and 409(b) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d) and 348(b), establish tolerances for residues of the insecticide imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine, and it's metabolites in or on fruiting vegetables (including tomato, eggplant, and pepper) at 1.0 part per million (ppm); *brassica* (cole) leafy vegetables (including broccoli, caulifower, brussels sprouts, and cabbage) at 3.5 ppm; lettuce (head and leaf) at 3.5 ppm; grape, fruit at 1.0 ppm; milk at 0.1 ppm; and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.3 ppm. FAP 3H5675 proposed establishing a food or feed additive to permit residues of imidacloprid and its and it metabolites in or on tomato puree at 2.0 ppm; grape, raisin and grape, juice at 1.5 ppm; tomato pomace, wet at 2.0 ppm; tomato pomace, dry at 6.0 ppm; grape pomace, wet at 2.5 ppm; grape pomace, dry at 5.0 ppm; and grape raisin waste at 15.0 ppm. There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

EPA issued a later notice, published Federal Register of February 8, 1995 (60 FR 7543), which announced that Miles, Inc., Agricultural Division, was amending pesticide petition FAP 3H5675. The revised petiton proposed that 40 CFR parts 185 (food additive) and 186 (feed additive) be amended to establish tolerances for combined residues of imidacloprid and its metabolites in the following food additive commodities: Tomato, puree at 3.0 ppm; tomato, paste at 6.0 ppm; and grape, raisin and grape, juice at 1.5 ppm; and in or on the following feed additive commodities: Tomato, pomace (wet or dried) at 4.0 ppm; grape pomace (wet or dried) at 5.0 ppm: and grape, raisin waste at 15.0 ppm.

All relevant materials have been evaluated. The toxicology data considered in support of the tolerance include:

1. A three-generation rat reproduction study with a no-observed-effect level (NOEL) of 100 ppm (8 mg/kg/bwt); rat and rabbit developmental toxicity studies were negative at doses up to 30 mg/kg/bwt and 24 mg/kg/bwt, respectively.

2. A 2-year rat feeding/carcinogenicity study that was negative for carcinogenic effects under the conditions of the study and had a NOEL of 100 ppm (5.7 mg/kg/bwt in male and 7.6 mg/kg/bwt female) for noncarcinogenic effects that included decreased body weight gain in females at 300 ppm and increased thyroid lesions in males at 300 ppm and females at 900 ppm.

3. A 1-year dog feeding study with a NOEL of 1,250 ppm (41/mg/kg/bwt).

4. A 2-year mouse carcinogenicity study that was negative for carcinogenic effects under conditions of the study and that had a NOEL of 1,000 ppm (208 mg/kg/day).

There is no cancer risk associated with exposure to this chemical. Imidacloprid has been classified under ''Group E'' (no evidence of carcinogenicity) by EPA's OPP/HED's Reference Dose (RFD) Committee.

The reference dose (RfD), based on the 2-year rat feeding/carcinogenic study with a NOEL of 5.7 mg/kg/bwt and 100-fold uncertainity factor, is calculated to be 0.057 mg/kg/bwt. The theoretical maximum residue contribution (TMRC) from published uses is .002594 mg/kg/day. This represents 4.5% of the RfD. The proposed tolerance contributes .005494 mg/kg/bwt/day. This represents 10% of the RfD. Dietary exposure from the existing uses and proposed use will not exceed the reference dose for any subpopulation (including infants and children) based on the information available from EPA's Dietary Risk Evaluation System.

The nature of the imidacloprid residue in plants and livestock is adequately understood. The residues of concern are combined residues of imidacloprid and it metabolites containing the 6-chloropyridinyl moiety, all calculated as imidacloprid. The analytical method is a common moiety method for imidacloprid and its metabolites containing the 6-chloropyridinyl moiety using a permanganate oxidation, silyl derivatization, and capillary GC-MS selective ion monitoring. Imidacloprid and its metabolites are stable in the commodities when frozen for at least 24 months. There are adequate amounts of geographically representative crop field trial data to show that combined residues of imidacloprid and it metabolites, all calculated as imidacloprid, will not exceed the proposed tolerances when use as directed.

There are currently no actions pending against the continued registration of this chemical.

This pesticide is considered useful for the purposes for which the tolerance is sought and capable of achieving the intended physical or technical effect. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, these tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3)

materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 31, 1995.

Susan Lewis,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.472, by amending paragraph (a) in the table therein by adding and alphabetically inserting the following commodities, to read as follows:

§ 180.472 1-[(6-Chloro-3-pyridinyl) methyl]-N-nitro-2-imidazolidinimine; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Brassica vegetables crop group	3.5
* * * * *	
Fruiting vegetables crop group .	1.0
* * * * *	
Grapes	1.0
* * * * *	
Lettuce, head and leaf	3.5
* * * * *	

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In § 185.900, by designating the existing text as paragraph (a) and adding new paragraph (b), to read as follows:

§ 185.900 1-[(6-Chloro-3-pryridinyl) methyl]-N-nitro-2-imidazolidinimine; tolerances for residues.

* * * * *

(b) A food additive regulation is established premitting residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidimine in or on the following food commodities:

Food	Part per million
Grape, juice	1.5
Grape, raisin	1.5
Tomato, paste	6.0
Tomato, puree	3.0

PART 186—[AMENDED]

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. In § 186.900, by adding new paragraph (c), to read as follows:

§ 186.900 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2 imidazolidinimine; tolerances for residues.

* * * * *

(c) A feed additive regulation is established premitting residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-*N*-2-imidazolidinimine in or on the following feed commodities resulting from application of the insecticide to tomato and grapes:

Feed	Part per million
Grape, pomace (wet or dried) ..	5.0
Grape, raisin waste	15.0
Tomato, pomace (wet or dried)	4.0

[FR Doc. 95–8733 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 271

[FRL–5185–3]

Idaho; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Idaho has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Idaho's application and has made a decision, subject to public review and comment, that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Idaho's hazardous waste program revisions. Idaho's application for program revision is available for public review and comment.

DATES: Final authorization for Idaho shall be effective June 11, 1995 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Idaho's program revision application must be received by the close of business May 12, 1995.

ADDRESSES: Copies of Idaho's program revision application are available Monday through Friday, 8 a.m. to 5 p.m., at the following addresses for inspection and copying: Idaho Department of Health and Welfare, Division of Environmental Quality, Technical Services Bureau, 1410 N. Hilton, Boise, Idaho 83706–1290; phone: (208) 334–5898; USEPA Region 10, Record Center M/S HW–070, 1200 Sixth Avenue, Seattle, WA 98101; phone: (206) 553–4763. Written comments should be sent to Michael Le, USEPA, Region 10, 1200 Sixth Avenue, Mail Stop HW–107, Seattle, WA 98101; phone: (206) 553–1099.

FOR FURTHER INFORMATION CONTACT: Michael Le, USEPA, Region 10, 1200 Sixth Avenue, Mail Stop HW–107, Seattle, WA 98101; phone: (206) 553–1099.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act (''RCRA or ''the Act''), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal

hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter ''HSWA'') allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Idaho

Effective on April 9, 1990, Idaho received final authorization for the base program, non-HSWA and HSWA requirements promulgated as of July 1, 1987 and interim authorization for those HSWA corrective action provisions of section 3004(u), promulgated as of July 7, 1987 (see 55 FR 11015 dated March 26, 1990). Effective on June 5, 1992, Idaho received final authorization for those HSWA corrective action provisions of section 3004(u) promulgated as of July 7, 1987 (see 57 FR 11580 dated April 6, 1992). Effective on August 10, 1992, Idaho received final authorization for those HSWA and non-HSWA federal provisions promulgated during the period of July 1, 1987 to June 30, 1990 (see 57 FR 24757 dated June 11, 1992). On January 12, 1995, Idaho submitted its program revision application for all RCRA (non-HSWA and HSWA) federal provisions promulgated during the period of July 1, 1990 to June 30, 1993. Today, Idaho is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Idaho's application, and has made an immediate final decision that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Idaho. The public may submit written comments on EPA's immediate final decision up until May 12, 1995. Copies of Idaho's application for program revision are available for inspection and copying at the locations indicated in the ''Addresses'' section of this notice.

Approval of Idaho's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Idaho's revision application includes all those RCRA federal provisions promulgated during the period of July 1, 1990 through June 30, 1993. To insure state consistency with federal regulations, the Idaho Board of Health and Welfare's regulatory rule-making incorporated by reference those delegable Federal Regulations in 40 CFR parts 124, 260–266, 268, and 270 that were promulgated and codified in the Code of Federal Regulations, as of June 30, 1993. Thus, at this time, the State is not seeking authorization for any changes made to the Federal program after July 1, 1993. Therefore, the scope, structure, coverage and processes of the Idaho hazardous waste management program is virtually identical to the federal provisions through June 30, 1993.

The Idaho Department of Health and Welfare Rules, Title 1, Chapter 5, ''Rules and Standards for Hazardous Waste'' incorporate by reference all federal RCRA regulations required for final authorization through July 1, 1993. Accordingly, the State rules are equivalent to the federal regulations. Idaho Administrative Procedures Act, IDAPA 16.01.05.000 *et seq.* The more substantive changes included in this revision application are: Wood Preserving Listings, Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris, Recycled Used Oil Management Standards, and Corrective Action Management Units and Temporary Units. These regulatory changes in this program revision became State regulations effective on February 11, 1994 and amended on June 1, 1994.

This program revision will not authorize the State to operate the RCRA program over any Indian lands; this authority remains with EPA.

C. Decision

I conclude that Idaho's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Idaho is granted final authorization to operate its hazardous waste program as revised.

Idaho now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Idaho also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Idaho's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 30, 1995.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95–8606 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 60, No. 70
Wednesday, April 12, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 391

[Docket No. 95–004P]

Fee Increase for Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry products inspection regulations to increase the fees charged by FSIS to provide overtime and holiday inspection, voluntary inspection, identification, certification, or laboratory services to meat and poultry establishments, importers, and exporters. The proposed fees reflect the increased costs of providing these services which are primarily due to the 1995 Federal salary increases allocated by Congress under the Federal Employees Pay Comparability Act of 1990.

DATES: Comments must be received on or before May 12, 1995.

ADDRESSES: Submit written comments in triplicate to Diane Moore, FSIS Docket Clerk, Room 3171, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700. All comments should refer to Docket Number 95–004P. Oral comments as provided under the Poultry Products Inspection Act should be directed to Mr. William L. West, at (202) 720–3367. Any person desiring an opportunity for oral presentation of views as provided under the Poultry Products Inspection Act must make such request to Mr. West so that arrangements may be made for such views to be presented. A record will be made of all views orally presented. All comments submitted in response to this proposal will be available for public inspection in the FSIS Docket Room from 9 a.m. to 12:30 p.m. and from 1:30 p.m. to 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. William L. West, Director, Budget and Finance Division, Administrative Management, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700, (202) 720–3367.

SUPPLEMENTARY INFORMATION:

Background

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) provide for mandatory inspection by Federal inspectors of meat and poultry slaughtered and/or processed at official establishments. Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products. The costs of mandatory inspection (excluding such services performed on holidays or on an overtime basis) are borne by FSIS.

In addition to mandatory inspection, FSIS provides a range of voluntary inspection and certification services (9 CFR 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, and 362.5). The costs of voluntary inspection are totally recoverable by the Federal Government. These services, set forth in Subchapter B—Voluntary Inspection and Certification Service, are provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*) to assist in the orderly marketing of various animal products and byproducts not subject to the Federal Meat Inspection Act or the Poultry Products Inspection Act.

Each year, the fees charged by FSIS for voluntary inspection services provided to operators of official meat and poultry establishments, importers, or exporters are reviewed and a cost analysis [1] is performed to determine whether such fees are adequate to recover the costs FSIS incurs in providing the services. The fees charged are for overtime and holiday inspection, voluntary inspection, identification, certification, or laboratory services.

Based on the projected Fiscal Year 1995 cost analysis, FSIS is increasing the fees for voluntary services. These increased costs are attributable to the average FSIS national and locality pay raise of 3.2 percent for Federal employees effective January 1995; the increasing number of employees covered by the Federal Employees Retirement System and are subject to the Federal Insurance Contributions Act tax; and increased health insurance costs.

FSIS is proposing to increase the fees charged for overtime and holiday inspection, voluntary inspection, identification, certification and laboratory services to meat and poultry establishments.

Section 307.5 of the Federal meat inspection regulations (9 CFR 307.5) provides that FSIS shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate specified in 9 CFR 391.3, currently $31.80 per hour, per program employee. Similarly, 9 CFR 381.38 of the poultry products inspection regulations provides that FSIS shall be reimbursed for the cost of poultry inspection on holidays or on an overtime basis at the rate specified in 9 CFR 391.3, currently $31.80 per hour, per program employee. FSIS is proposing to increase the fee set forth in § 391.3 to $32.96 per hour, per program employee.

The base time rate for providing voluntary inspection and certification services is currently $31.12 per hour, per program employee, as specified in § 391.2. The overtime and holiday rate for voluntary inspection services is currently $31.80 per hour, per program employee, as specified in § 391.3. As stated above, these fees would be increased to $31.92 per hour and $32.96 per hour, per program employee, respectively.

The rate for laboratory services is currently $52.04 per hour, per program employee, as specified in § 391.4. FSIS is proposing to increase the fee set forth in section 391.4 to $52.92 per hour, per program employee.

Executive Order 12866

This proposed rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. The proposed fee

[1] The cost analysis is on file with the FSIS Docket Clerk. Copies may be requested free of charge from the FSIS Docket Clerk, Room 3171, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700.

increases reflect the increased costs of providing certain inspection services due primarily to the 1995 increase in salaries of Federal employees allocated by Congress under the Federal Employees Pay Comparability Act of 1990. Because FSIS is required to recover the reimbursable portion of the increase in employee salaries, FSIS is only providing a 30-day comment period for this proposed rule.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This proposed rule is not intended to have retroactive effect. Prior to any judicial challenge to the provisions of this proposed rule, all applicable administrative procedures must be exhausted. Under the Federal Meat and Poultry Products Inspection Acts, the administrative procedures are set forth in 7 CFR part 1.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The fees provided for in this document will reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

List of Subjects in 9 CFR Part 391

Fees and charges, Meat inspection, Poultry products inspection.

For the reasons set out in the preamble, 9 CFR part 391 is proposed to be amended as set forth below.

PART 391—FEES AND CHARGES FOR INSPECTION SERVICES

1. The authority citation for part 391 would continue to read as follows:

Authority: 21 U.S.C. 601 *et seq.*, 460 *et seq.*; 7 CFR 2.17(g) and (i), 2.55; 7 U.S.C. 394, 1622, and 1624.

2. Sections 391.2, 391.3, and 391.4 would be revised to read as follows:

§ 391.2 Base time rate.

The base time rate for inspection services provided pursuant to §§ 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be $31.92 per hour, per program employee.

§ 391.3 Overtime and holiday rate.

The overtime and holiday rate for inspection services provided pursuant to §§ 307.5, 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, 362.5, and 381.38 shall be $32.96 per hour, per program employee.

§ 391.4 Laboratory services rate.

The rate for laboratory services provided pursuant to §§ 350.7, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be $52.92 per hour, per program employee.

Done at Washington, DC, on April 5, 1995.

Michael R. Taylor,

Administrator, Food Safety and Inspection Service.

[FR Doc. 95–8938 Filed 4–11–95; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94–AWA–3]

Proposed Modification of the Atlantic City International Airport Class C Airspace Area; NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would modify the Class C airspace area at Atlantic City International Airport, Atlantic City, NJ. This proposed action would delete the 1-mile exclusion around Nordheim Flying K Airport because of its closure, and return this airspace to the surface area of the Class C airspace. In addition, this proposed action would reduce controller workload.

DATES: Comments must be received on or before June 13, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC–200], Airspace Docket No. 94–AWA–3, 800 Independence Avenue, SW., Washington, DC 20591.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: William C. Nelson, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9295.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 94–AWA–3.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class C airspace area at Atlantic City International Airport, Atlantic City, NJ. The proposed modification would eliminate the 1-mile exclusion around Nordheim Flying K Airport due to its closure. The intended effect of this proposal is to return this airspace to the surface area of the established Class C airspace area, thereby completing the 5-mile radius around Atlantic City. Additionally, this proposed action would reduce controller workload. The coordinates for this airspace docket are North American Datum 83. Class C airspace designations are published in paragraph 4000 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class C airspace designation listed in this document would be subsequently published in the Order.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this NPRM is not ''a significant regulatory action'' as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This NPRM would not have a significant impact on a substantial number of small entities and would not constitute a barrier to international trade.

This proposed rule would modify the Class C airspace area at Atlantic City International Airport, Atlantic City, NJ. This proposed action would delete the 1-mile exclusion around Nordheim Flying K Airport near Atlantic City.

Costs

The FAA has determined that the implementation of the NPRM to modify the Class C airspace area at Atlantic City International Airport would result in little cost to either the agency or aircraft operators. The revision to aeronautical charts to reflect the airspace modification would be part of the routine and periodic updating of charts. Finally, the proposal would not cause the FAA to incur any additional administrative costs for either personnel or equipment.

Benefits

The NPRM would generate benefits for system users and the FAA primarily in the form of air traffic control instructions. The proposed rule would provide additional controlled airspace for landing and departing at the Atlantic City International Airport.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a NPRM would have ''a significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A outlines the FAA's procedures and criteria for implementing the RFA. Small entities are independently owned and operated small businesses and small not-for-profit organizations. A substantial number of small entities is defined as a number that is 11 or more and which is more than one-third of the small entities subject to this NPRM.

The FAA has determined that revising the Class C airspace area at Atlantic City International Airport would not result in a significant economic impact on a substantial number of small entities. This determination was made because there are little or no costs to this proposed rule.

International Trade Impact Assessment

This NPRM would not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries and the import of foreign goods and services into the United States. This NPRM would not impose costs on aircraft operators or aircraft manufacturers in the United States or foreign countries. The modification of Class C airspace would only affect U.S. terminal airspace operating procedures at and in the vicinity of Atlantic City, NJ. This NPRM would not have international trade ramifications because it is a domestic airspace matter that would not impose additional costs or requirements on affected entities.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 4000—Subpart C—Class C Airspace

* * * * *

AEA NJ C Atlantic City International Airport, NJ [Revised]

Atlantic City International Airport, NJ
(Lat. 39°27′27″N., long. 74°34′38″W.)

That airspace extending upward from the surface to and including 4,100 feet MSL within a 5-mile radius of the Atlantic City International Airport; and that airspace extending upward from 1,300 feet MSL to and including 4,100 feet MSL within a 10-mile radius of the airport.

* * * * *

Issued in Washington, DC, on April 4, 1995.

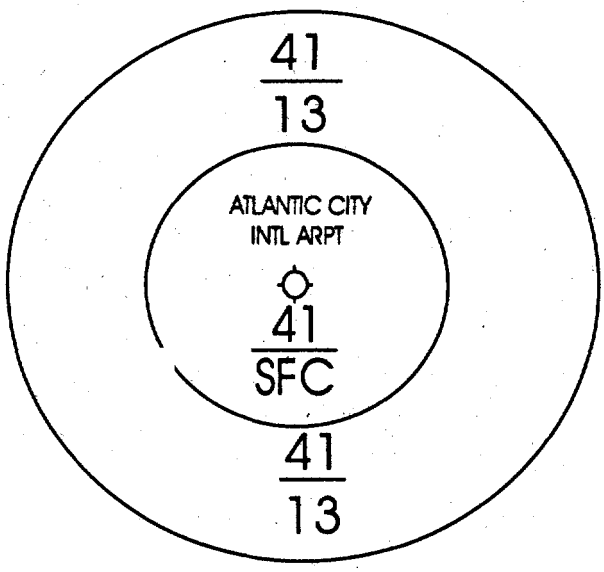
Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

BILLING CODE 4910–13–P

ATLANTIC CITY, NJ
CLASS C AIRSPACE AREA

(Not to be used for navigation)



Graphic prepared by the
FEDERAL AVIATION ADMINISTRATION
Publications Branch
(ATP-210)

[FR Doc. 95–8951 Filed 4–11–95; 8:45 am]
BILLING CODE 4910–13–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250103; FRL–4948–5]

RIN No. 2070–AC69 and 2070–AC82

Amendments to the Worker Protection Standard Requirements for Crop Advisors and Training Requirements for Agricultural Workers and Pesticide Handlers; Notification to Secretary of Agriculture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a final rule amending the crop advisor provisions of the Worker Protection Standard and a final rule amending the training requirements for workers and pesticide handlers. These final rules are being issued under the Federal Insecticide, Rodenticide, and Fungicide Act (FIFRA).

FOR FURTHER INFORMATION CONTACT: Donald Eckerman, Certification and Training, Occupational Safety Branch (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 1101, CM #2, 1921 Jefferson Davis Highway, Arlington, VA., (703) 305–7371.

SUPPLEMENTARY INFORMATION: Pursuant to Section 25(a)(2)(B) of FIFRA, the Administrator shall provide the Secretary of Agriculture with a copy of any final rule before publication in the Federal Register. If the Secretary comments in writing to the Administrator regarding the final rule, the Administrator shall issue for publication in the Federal Register, with the final rule, the comments of the Secretary of Agriculture, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. The Administrator has forwarded to the Secretary of Agriculture a copy of the final rule amending the requirements for training employees and a final rule amending the requirements for crop advisors.

The Administrator has also provided a copy of these final rules to the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture and Forestry of the Senate.

List of Subjects in 40 CFR Part 170

Administrative Practice and Procedures, Occupational Safety and Health, Pesticides and Pests.

Dated: April 5, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95–9167 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 2E4051/P608; FRL–4943–1]

RIN 2070–AC18

Difenoconazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish import tolerances for residues of the fungicide difenoconazole in or on the raw agricultural commodities barley grain, rye grain, and wheat grain at 0.1 part per million; fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and eggs at 0.05 ppm; and milk at 0.01 ppm. Ciba-Geigy Corp. requested the proposed regulation to establish a maximum permissible level of the fungicide in or on the commodities.

DATES: Comments, identified by the document control number, [PP 2E4051/P608], must be received on or before May 12, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Product Manager (PM) 22, Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5540; e-mail: giles-parker.cynthia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is proposing to establish import tolerances for residues of the fungicide difenoconazole, [(2S,4R)/(2R,4S)]/[(2R,4R/2S,4S)] 1-(2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl)-1H-1,2,4-triazole, in or on the raw agricultural commodities (RACs) barley grain, rye grain, and wheat grain at 0.1 ppm; fat, meat, and meat byproducts (mbyp) of cattle, goats, hogs, horses, poultry, and sheep and eggs at 0.05 ppm; and milk at 0.01 ppm. The proposed regulation to establish a maximum permissible level of the fungicide in or on this commodity was requested in a pesticide petition (PP 2E4051) submitted by Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419-8300, that requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.475 by establishing import tolerances for residues of the fungicide.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A rat acute oral study with an LD_{50} of 1,453 milligrams (mg)/kilogram (kg).

2. A 13-week rat feeding study with a no-observed-effect-level (NOEL) of 20 ppm (1 mg/kg/day).

3. A 13-week mouse feeding study with a NOEL of 20 ppm (3.6 mg/kg/day).

4. A 26-week dog feeding study with a NOEL of 1,000 ppm (3.3 mg/kg/day).

5. A 21-day rabbit dermal study with a NOEL of 10 mg/kg and reduction in body weight gain and food consumption from exposure to doses equal to or greater than 100 mg/kg.

6. A carcinogenicity study in mice with a NOEL of 30 ppm (5 mg/kg/day) and a lowest-effect-level (LEL) of 300 ppm (50 mg/kg/day) owing to reductions in cumulative body weights. There was limited evidence of carcinogenicity based on the occurrence of increased benign and/or malignant liver tumors in males and females. The carcinogenic effects observed are discussed below.

7. A rat chronic feeding/carcinogenicity study with a NOEL of 20 ppm (1 mg/kg/day) for systemic effects and a LEL of 500 ppm (25 mg/kg/day) owing to reductions in cumulative body weight gains and hepatotoxicity in males. There was no evidence of carcinogenicity under conditions of the study.

8. A 1-year dog chronic feeding study with a NOEL of 100 ppm (3.5 mg/kg/day); the LEL was 500 ppm (18 mg/kg/day) owing to reduction in food consumption and increase in alkaline phosphatase in males at high dose.

9. A two generation reproduction study in rats with a parental and reproductive NOEL of 25 ppm (1.25 mg/kg/day) and an LEL of 250 ppm (12.5 mg/kg/day) owing to reduction of female body weight gain and significant reductions in male pup weight at day 21.

10. A developmental toxicity study in rabbits with a maternal NOEL of 25 mg/kg and an LEL of 75 mg/kg/day owing to decreased body weight, death of one doe and abortion, and a developmental NOEL of 25 mg/kg, and an LEL of 75 mg/kg owing to increased postimplantation loss and resorptions and significantly decreased fetal weight.

11. A developmental toxicity study in rats with a maternal NOEL of 16 mg/kg and an LEL of 85 mg/kg owing to excess salivation, and decreased body weight gain and food consumption, and a developmental NOEL of 85 mg/kg/day, and an LEL of 171 mg/kg owing to increase bifid or unilateral ossification of thoracic vertebrate, increased average number of ossified hyoid, and decrease in average number of sternal centers of ossification.

12. A microbial gene mutation study and an unscheduled DNA synthesis in rat hepatocyte study were both negative. An *in vivo* micronucleus assay/chromosomal analysis study showed no increase in micronucleated polychromatic erythrocytes at any dose tested.

13. A rat metabolism study showed that difenoconazole was adequately absorbed and mainly eliminated via the bile. No evidence of bioaccumulation in any tissue was noted.

The Health Effects Division, Carcinogenicity Peer Review Committee, has concluded that the available data provide limited evidence of the carcinogenicity of difenoconazole in mice and has classified difenoconazole as a Group C (possible human carcinogen with limited evidence of carcinogenicity in animals) in accordance with Agency guidelines, published in the Federal Register in 1986 (51 FR 33992; Sept. 24, 1986) and recommended that quantitative risk assessment is not appropriate for the following reasons:

1. The carcinogenic response observed with this chemical, statistically significant increases in hepatocellular adenomas, carcinomas, and combined adenomas/carcinomas in both sexes of CD-1 mice, occurred only at doses considered to be excessively high for carcinogenicity testing.

2. There were no apparent tumor increases in either sex in Sprague-Dawley rats at dietary levels up to 2,500 ppm.

3. Difenoconazole was not mutagenic in three well conducted genotoxic assays.

Based on this evidence, EPA concludes that difenoconazole poses at most a negligible cancer risk to humans and that for purposes of risk characterization the Reference Dose (RfD) and Margin of Exposure (MOE) approaches should be use for quantification of human risk. In a spring wheat processing study, no residues were detected in grain or any processed fraction. Therefore, food/feed additive tolerances are not needed in conjunction with this use on barley, rye, and wheat.

Using a 100-fold safety factor and the NOEL of 1 mg/kg/day determined from the rat chronic feeding study (the most sensitive species), the Reference Dose RfD is 0.01 mg/kg/day. The theoretical maximum residue contribution (TMRC) from the established and proposed tolerances is 0.00042 mg/kg/day and utilizes 4 percent of the RfD for the overall U.S. population. For exposure of the most highly exposed subgroups in the population, children (ages 1 to 6 years old) and nonnursing infants (less than 1 year old), the TMRC is 0.000947 mg/kg/day and 0.000960 mg/kg/day and utilizes 9 and 10 percent of the RfD, respectively.

The dietary acute exposure MOE for developmental toxicity effects was calculated to be 62,500 for high exposure in the females 13+ subgroup. For substances whose acute NOEL is based on animal studies, the Agency is not generally concerned unless the MOE is below 100.

The metabolism of difenoconazole in plants is adequately understood. The tolerances established for milk, eggs, meat, fat, and meat byproducts will cover any dietary exposure from secondary residues in these RACs. There are currently no actions pending against the continued registration of this chemical.

An adequate analytical method, gas chromatography with nitrogen phosphorous detection, is available for enforcement purposes. Because of the long lead time from establishing these tolerances to publication of the enforcement methodology in the Pesticide Analytical Manual, Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 242, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703-305-4432).

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E4051/P608]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary

impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 28, 1995.

James J. Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.475, by adding new paragraph (c), to read as follows:

§ 180.475 Difenoconazole; tolerances for residues.

* * * * *

(c) Tolerances are established for difenoconazole, [(2S,4R)/(2R,4S)]/[(2R,4R/2S,4S)] 1-(2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl)-1H-1,2,4-triazole, in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, grain[1]	0.1
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, mbyp	0.05
Eggs	0.05
Goats, fat	0.05
Goats, meat	0.05
Goats, mbyp	0.05
Hogs, fat	0.05
Hogs, mbyp	0.05
Horses, fat	0.05
Horses, meat	0.05
Horses, mbyp	0.05
Milk	0.01
Poultry, fat	0.05
Poultry, meat	0.05
Poultry, mbyp	0.05
Rye, grain[1]	0.1
Sheep, fat	0.05
Sheep, meat	0.05
Sheep, mbyp	0.05
Wheat, grain	0.1

[1] There are no U.S. registrations as of April 12, 1995 for use on barley and rye.

[FR Doc. 95–8728 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[OPP–300384; FRL–4945–7]

RIN 2070–AC18

Oleyl Alcohol; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that oleyl alcohol (CAS Reg. No. 143-28-2) be exempted from the requirement of a tolerance when used as a cosolvent in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Henckel Corp., Emery Group, requested this proposed regulation.

DATES: Comments, identified by the document control number [OPP-300384], must be received on or before May 12, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, Crystal Mall, Building #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, Arlington, VA 22202, (703)-308-8375; e-mail: Acierto.Amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Henkel Corp., Emery Group, 4900 Este Ave., Cincinnati, OH 45232-1491, submitted pesticide petition (PP) 4E4335 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(c) by establishing an exemption from the requirement of a tolerance for oleyl alcohol when used as a cosolvent in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk. The Agency has decided that the data normally required to support the proposed tolerance exemption for oleyl alcohol will not need to be submitted. The rationale for this decision is described below:

1. Available data demonstrate that oleyl alcohol is no more than slightly toxic to mammals, fish, and aquatic invertebrates.

2. Oleyl alcohol is found in fish oils and one of its uses is as a carrier for medicaments. Anticipated residues of oleyl alcohol at the proposed level of use are expected to be of little or no toxicological significance.

3. Oleyl alcohol is approved by the Food and Drug Administration for use as a component of paper and paperboard under 21 CFR 176.170, as defoaming agent under 21 CFR 176.210, and as a component of animal glue under 21 CFR 178.3120.

Based upon the above information and review of its use, the Agency does not believe that a potential for significant hazard exists when used in accordance with good agricultural practice. The Agency believes and that this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300384]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 29, 1995.

James J. Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(c) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* *
Oleyl alcohol (CAS Reg. No 143-28-2)	15%	Cosolvent
* * *	* * *	* *

* * * * *

[FR Doc. 95–8730 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 8F3671/P610; FRL–4945–3]

RIN 2070–AC18

Alachlor; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an increased tolerance for residues of the herbicide alachlor (2-chloro-2',6'-dimethyl-*N*-(methoxymethyl) acetanilide) and its metabolites in or on the raw agricultural commodity (RAC) sorghum forage at 2.0 parts per million (ppm). The Monsanto Co. requested the establishment of this maximum permissible residue of the herbicide.

DATES: Comments, identified by the document control number [PP 8F3671/P610], must be received on or before May 12, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to Rm. 1132, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM 25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6800; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register of October 12, 1988 (53 FR 39785), that announced that the Monsanto Co., 1101 17th St., NW., Washington, DC 20036, proposed amending 40 CFR 180.249 by establishing a regulation under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, to permit the residues of the herbicide alachlor (2-chloro-2',6'-dimethyl-*N*-(methoxymethyl) acetanilide) and its metabolites in or on sorghum forage at 2.0 parts per million (ppm) (pesticide petition (PP) 8F3671). This increased tolerance was necessary because review of additional data submitted in response to reregistration indicated that the current tolerance of 1.0 for sorghum forage was not adequate and needed to be increased. EPA issued a notice in the Federal Register of March 23, 1989 (54 FR 12010), which announced that the Monsanto Co. proposed amending 40 CFR parts 185 and 186 by establishing a regulation under section 409 of the FFDCA, 21 U.S.C. 348, permitting residues of the herbicide alachlor in or on sorghum milling fractions at 0.5 ppm, sorghum milling fractions (except germ) at 0.3 ppm, and sorghum germ at 0.5 ppm (food/feed additive (FAP) 9H5576).

No comments were received in response to these notices of filing.

During the course of its review, the Agency determined that the food/feed additive tolerances for sorghum milling fractions and sorghum germ were not needed and that there is no current evidence of use of sorghum milling fractions as a human food and very limited evidence of use of soghum milling fractions as livestock feed. The petitioner subsequently withdrew FAP No. 9H5576. Because it has been longer than 5 years since the original proposal, the tolerance of 2.0 ppm for sorghum forage is being proposed for 30 days following the date of publication in the Federal Register to allow for public comment.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data listed below were considered in support of the proposed tolerance.

1. Several acute toxicology studies place technical alachlor in acute toxicity category IV for primary eye and dermal irritation and, acute toxicity category III for acute oral, dermal, and inhalation.

2. A 1-year feeding study with dogs fed dose levels of 0, 1, 3, and 10 milligrams/kilograms/day (mg/kg/day) with a no-observed effect level (NOEL) of 1.0 mg/kg/day based on hemosiderin storage in kidney and spleen in males at 10 mg/kg.

3. A 2-year chronic feeding/carcinogenicity study in rats fed epichlorohydrin-free alachlor at dose levels of 0, 0.5, 2.5, and 15 mg/kg/day with a NOEL for nonneoplastic toxicity at 2.5 mg/kg/day based on ocular lesions and hepatoxicity at 10 mg/kg/day. Carcinogenic effects included a nasal turbinate tumor in females at 2.5 mg/kg/day, significant increases in nasal turbinate tumors in both males and females at 15 mg/kg/day (highest dose tested (HDT)) and a significant increase in thymus lymphosarcomas and adrenal pheochromocytomas in high-dose females.

4. A second chronic feeding/carcinogenic study with rats fed alachlor, with epichlorohydrin, at dose levels of 0, 14, 42, and 126 mg/kg/day with a systemic NOEL of less than 14 mg/kg/day based on ocular lesions and hepatotoxicity at 14 mg/kg/day. Carcinogenic effects included increased number of nasal turbinate tumor in males and females at 42 mg/kg/day and mg/kg/day, an increase in stomach tumors in both sexes at 126 mg/kg/day, and an increase in thyroid follicular tumors in males at 126 mg/kg/day (HDT).

5. A special chronic feeding study in rats fed a dose level of 126 mg/kg/day. Ocular lesions, mainly, the uveal degeneration syndrome (UDS) occurred in 100% of the animals at the end of the study. This syndrome was irreversible once it began. Alachlor was a positive oncogen with increased nasal turbinate tumors, stomach tumors, and thyroid tumors.

6. An 18-month carcinogenicity study in mice fed dose levels of 0, 26, 78, and 260 mg/kg/day with carcinogenic effects (increased lung bronchiolaraveolar tumors in females at 260 mg/kg/day).

7. A three-generation reproduction study with rats fed dose levels of 0, 3, 10, 11, and 30 mg/kg/day with a reproductive NOEL of 10 mg/kg/day based on kidney effects in F2 and F3 pups at 30 mg/kg/day (HDT).

8. A developmental toxicity study in rats fed dose levels of 0, 50, 150, and 400 mg/kg/day with a developmental toxicity equal to a greater than 400 mg/kg/day with a fetotoxic NOEL of 150 mg/kg/day based on an increase in post-implantation loss and a slight decrease in mean number of viable fetuses at 400 mg/kg/day . The maternal toxicity NOEL for this study is 150 mg/kg/day based on soft stools, hair loss, anogenital staining, and death at 400 mg/kg/day.

9. A developmental toxicity study in rabbits fed doses of 50, 100, and 150 mg/kg/day with a developmental NOEL greater than 150 mg/kg/day greater than 150 mg/kg/day. The maternal NOEL was 100 mg/kg/day based on reduced body weight gain.

10. Mutagenicity studies include several Ames Tests. Alachlor and its metabolites were negative in four Ames assays with *Salmonella* with and without S9 activation at 0.1 to 10 mg/plate. Two metabolites of alachlor were positive in an Ames test with and without S9 activation at 0.01 to 10 mg/plate. Bile from alachlor-treated rates did not induce a mutagenic response towards *Salmonella* strains TA98, TA100, TA1535, and TA1537. Other mutagenicity tests include DNA damage/repair in rat positive for UDS at the HDT = LD_{50} at the 4 doses tested (50, 200, and 1,000 mg/kg)—weakly genotoxic; gene mutation in CHO/HGPRT—negative, and *in vivo* bone marrow chromosome aberration assay—negative.

Alachlor has been classified as a B_2 carcinogen—''Probable Human Carcinogen'' by the Agency. Alachlor met all but one of the criteria specified for the B_2 classification. Alachlor produced an increased incidence of nasal turbinate tumors (mostly benign) at the mid and high doses, in both sexes, thyroid follicular tumors in male rats and malignant stomach tumors in male and female rats in Long-Evans rats in three different experiments at more than one dose level via dietary administration. Alachlor also produced a statistically significant increase in lung tumors in female CD-1 mice at two dose levels. In another experiment with Long-Evans rats, nasal turbinate tumors occurred only 5 to 6 months after exposure. The tumor incidence was as high at 50% and tumor site was unusual, i.e., not an increase of normal high background tumor type. A metabolite of alachlor was mutagenic in the Ames Test at 6 dose levels, and alachlor is structurally similar to acetochlor and metolachlor, two other known carcinogens. A detailed discussion of the Agency's classification of alachlor as a B_2 carcinogen was published in the Federal Register of December 31, 1987 (52 FR 49480). The publication was entitled ''Alachlor, Notice of Intent to Cancel Registrations, Conclusion of Special Review.''

For the purpose of risk characterization of alachlor, the use of the linearized multi-stage model, as recommended to EPA's Carcinogenic Risk Assessment Guidelines, was applied to the rat oncogenicity data discussed above. As a result, the cancer potency value for alachlor, known as the ''Q^{*1}'', was calculated to be 8×10^{-2} or $0.08\ (mg/kg/day)^{-1}$. Refer to the

document published in the Federal Register of December 31, 1987 (54 FR 49484) for details.

The reference dose (RFD) based on a NOEL of 1.0 mg/kg/day (1-year feeding study in dogs) and an uncertainty factor of 100 was calculated to be 0.01 mg/kg/day. The theoretical maximum residue contribution (TMRC) for the overall U. S. population from published and proposed uses recommended through reregistration is 0.000532 mg/kg/day or 5.3% of the RfD. For the most highly exposed subgroup, nonnursing infants less than 1 year old, the published and proposed use recommended through reregistration is 0.002184 mg/kg/day or 21.8% of the RfD. The current action of increasing the tolerance on sorghum forage to 2.0 does not contribute any additional TMRC or utilize additional RfD because sorghum forage is not a human food and current tolerances in livestock commodities will not be exceeded as a result of the proposed increase in the tolerance for sorghum forage.

Refinements in residue and percent-crop treated information were considered in calculating the Anticipated Residue Contribution (ARC) for the same population groups above. The ARC is considered the more accurate estimate of dietary exposure. These exposure estimates were then compared to the RfD for alachlor to get estimates of chronic dietary risk. The ARC for the overall U. S. population for published tolerances is 1.3×10^{-5} or 0.1% of the RfD. For the most highly exposed subgroup, nonnursing infants, the ARC is 5.4×10^{-5} or less than 1% of the RfD. The current action does not contribute additional ARC or utilize additional RfD. Other tolerances proposed by reregistration result in an ARC of 4.0×10^{-6} mg/kg/day or 0.04% of the RfD for the overall U.S. population and an ARC of 5.3×10^{-5} mg/kg/day or 0.5% of the RfD for nonnursing infants, less than 1 year old.

Based on a Q^{*1} of 0.08 $(mg/kg/day)^{-1}$ the upper-bound cancer risk was calculated to be 1.4×10^{-6} and contributed through all published and proposed uses for alachlor. The current action for sorghum forage contributes no additional risks.

There are currently no regulations against the registration of this chemical for use on sorghum forage. Even though alachlor is classified as a probable human carcinogen, EPA believes the establishment of this tolerance will not pose an unreasonable risk to humans as a result of dietary exposure.

The pesticide is useful for the purposes for which tolerances are sought. The nature of the residues is adequately understood for the purposes of establishing tolerances. Adequate analytical methods (high-pressure liquid chromatography and gas chromatography) are available for enforcement purposes (PAM II, Method III).

Based on the information considered by the Agency, the Agency has determined that when used in accordance with good agricultural practice, this ingredient is useful and that the tolerance established by amending 40 CFR part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 8F3671/P610]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.249, by amending the table therein by revising the entry for sorghum forage, to read as follows:

§ 180.249 Alachlor; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Sorghum, forage	2.0
* * * * *	

[FR Doc. 95–8729 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180 and 186

[PP 8F3646 and FAP 8H5558/P611; FRL–4947–3]

RIN 2070–AC18

Sethoxydim; Pesticide Tolerance and Feed Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to increase the established pesticide tolerance for the combined residues of the herbicide sethoxydim (2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity sugar beet roots to 1.0 part per million (ppm) and to increase the established feed additive regulation on the animal feed commodity sugarbeet molasses to 10.0 ppm. The BASF Corp. requested these regulations to establish the maximum permissible levels for residues of the pesticide in or on the above commodities.

DATES: Comments, identified by the document control number, [PP 8F3646 and FAP 8H5558/P611], must appear on or before May 12, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and

Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM-25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the Federal Register of October 12, 1988 (53 FR 39783 and 39785), which announced that BASF Corp., P.O. Box 13528, Research Triangle Park, NC 27709-3528, had submitted pesticide petition (PP) 8F3646 and a feed additive petition (FAP) 8H5558 to EPA. Pesticide petition 8F3646 requests that the Administrator, pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR part 180 by establishing a tolerance for the combined residues of the herbicide sethoxydim (2-[1-ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide)) in or on the raw agricultural commodity (RAC) sugarbeet roots at 1.0 part per million (ppm). Feed additive petition 8H5558 requests that the Administrator, pursuant to section 409(e) of FFDCA (21 U.S.C. 348), amend 40 CFR part 186 by establishing a feed additive regulation for the combined residues of the herbicide sethoxydim and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the animal feed sugar beet molasses at 5.0 ppm.

There were no comments or requests for referral to an advisory committed received in response to these notices.

The petitioner subsequently amended the notice for FAP 8H5558 by submitting a revised Section F proposing to increase the established feed additive regulation to permit residues of sethoxydim in the animal feed sugar beet molasses at 10.0 ppm. Because the 10.0 ppm has not been proposed previously and because it has been longer than 5 years since the original proposal, the tolerances of 1.0 ppm on sugar beet roots and 10.0 ppm on sugar beet molasses are being proposed for 30 days to allow for public comment.

The information submitted in the petitions and other relevant material have been evaluated. The pesticide is useful for the purpose for which the tolerances are sought. The toxicological data and other information considered in support of PP 8F3646 and FAP 8H5558 are discussed in the final rule referring to pesticide petitions (PP) 9F3855, 2F4121, and 4F4413, which appears elsewhere in the ''Rules and Regulations'' section of this issue of the Fedral Register.

The reference dose (RfD) based on a NOEL of 8.86 mg/kg/day in the 1-year feeding study in dogs and an uncertainty factor of 100 was calculated to be 0.09 mg/kg bwt/ day. The theoretical maximum residue contribution (TMRC) for existing tolerances for the overall U.S. population is 0.032904 mg/kg bwt/day or 36.5% of the RfD. The current action will increase the TMRC by 0.000299 mg/kg bwt/day. These tolerances and previously established tolerances utilize 36.8% of the RfD for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6, the current action and previously established tolerances utilize, respectively, a total of 63.136 and 74.318% of the RfD, assuming that residue levels are at the established tolerances and that 100% of the crop is treated.

Based on the information and the data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 would protect the public health, and the establishment of a feed additive regulation by amending 40 CFR part 186 would be safe. Therefore, it is proposed that they be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal as it relates to the section 408 tolerance be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 8F3646 and FAP 8H5558/P611]. All written comments filed in response to these petitions will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order, i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect of the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President‘s priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements, or establishing or raising food/feed additive regulations do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 180 and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that chapter I of title 40 of the Code of Federal Regulations be amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follow:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.412(a), by amending the table therein by revising the entry for sugar beet, roots, to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one; tolerances for residues.

(a) * * *

Commodity	Part per million
* * * * *	
Sugar beet, roots	1.0
* * * * *	

* * * * *

PART 186—[AMENDED]

2. In part 186:

a. The authority citation for part 186 continues to read follows:

Authority: 21 U.S.C. 348.

b. In § 186.2800, by revising the section heading and introductory text and by amending the table therein by revising the entry for sugar beet molasses, to read as follows:

§ 186.2800 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one.

Tolerances are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following commodities:

Food	Part per million
* * * * *	
Sugar beet molasses	10.0
* * * * *	

[FR Doc. 95–8732 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180, 185, and 186

[PP 9F3731 and FAP 9H5574/P612; FRL–4948–4]

RIN 2070–AC18

Cyfluthrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish time-limited tolerances, with an expiration date of November 15, 1997, for residues of the synthetic pyrethroid cyfluthrin in or on the raw agricultural commodities (RAC's) tomatoes; carrots; peppers; radishes; meat, fat, and meat byproducts of cattle, goats, horses, hogs, poultry, and sheep; milkfat; and eggs and in food/feed additive commodities tomato, pomace (dry and wet) and tomato concentrated products. Miles Corp., Animal Products (formerly Mobay Corp.), requested the proposed tolerances and regulations to establish maximum permissible levels for residues of the pesticide.

DATES: Comments, identified by the document control number, [PP 9F3731 and FAP 9H5574/P612], must be received on or before May 12, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 200, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6100.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of March 23, 1989 (54 FR 35434), which announced that Miles Corp. had submitted pesticide petition (PP) 9F3731 and food/feed additive petition (FAP) 9H5574 to EPA.

Pesticide petition (PP) 9F3731 requests that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR 180.436 by increasing tolerances for residues of the insecticide cyfluthrin, cyano(4-fluoro-3-phenoxyphenyl)-methyl-3-(2,2-dicloroethenyl)-2,2-dimethylcyclopropanecarboxylate, in or on the raw agricultural commodities alfalfa forage at 5.0 ppm; alfalfa hay at 10.0 ppm; broccoli at 2.0 ppm; brussels sprouts at 0.5 ppm; cabbage at 1.0 ppm; cauliflower at 0.5 ppm; carrots at 0.1 ppm; celery at 1.5 ppm; lettuce at 2.5 ppm; peppers at 0.2 ppm; radishes at 0.5 ppm; spinach at 1.0 ppm; sweet corn at 0.05 ppm; sweet corn forage at 1.0 ppm; sunflower seed at 0.02 ppm; sunflower forage at 1.0 ppm; soybeans at 0.03 ppm; soybean forage at 10.0 ppm; soybean hay at 1.5 ppm; soybean straw at 1.0 ppm; tomato at 0.2 ppm; milk at 0.1 ppm; eggs at 0.01 ppm; meat, fat and meat byproduct of cattle, goats, hogs, horses, and sheep at 1.5 ppm; and meat, fat, and meat byproducts of poultry at 0.01 ppm.

Food/feed additive petition (FAP) 9H5574 requests that the Administrator, pursuant to section 409(e) of the FFDCA (21 U.S.C. 348(e)) amend 40 CFR parts 185 and 186 by establishing a food/feed additive regulation for cyfluthrin in or on processed food commodities tomato concentrated products at 0.5 ppm and feed commodities sweet corn (cannery wastes) at 1.5 ppm; tomato, pomace (wet) at 1.5 ppm; tomato, pomace dry at 5.0 ppm.; soybean hulls at 0.1 ppm; and sunflower hulls at 2.5 ppm.

On July 20, 1993, Miles Corp. requested that the pesticide petition and food/feed additive petition be amended by withdrawing the proposed tolerance

for broccoli, brussels sprouts, cabbage, cauliflower, celery, lettuce, soybeans (straw), spinach and the feed additive regulation for sweet corn (cannery wastes) without prejudice to future filing and by raising the tolerances for carrots, peppers, and radishes to 0.2, 0.5 and 1.5 ppm, respectively. In a letter dated November 18, 1993, Miles amended the petition by withdrawing the crops alfalfa, soybeans, sweet corn, and sunflowers from the subject petitions and proposing them under a separate petition. On June 10, 1994, Miles requested that the pesticide petition be further amended by reducing the tolerance for radishes to 1.0 ppm; proposing one tolerance for wet and dry tomato pomace; reducing the animal commodities to 0.4 ppm; and revising the milk tolerances to be expressed as 2.5 ppm milk fat (reflecting 0.08 ppm in whole milk). This amendment was submitted in response to EPA's preference that an integer tolerance (i.e, one significant figure) rather than a fraction be proposed for radishes; EPA's current practice to set one tolerance on tomato pomace, wet and dry, rather than individual tolerances on the two pomaces; and to make the above tolerances for animal commodities consistent with the feed items in this petition.

The scientific data submitted in the petition and other relevant material have been evaluated. All toxicology data necessary to support these tolerances have been previously submitted, reviewed, and accepted. The toxicology data considered in support of the proposed tolerance include:

1. A 12-month chronic feeding study in dogs with a no-observed-effect level (NOEL) of 4 mg/kg/day. The lowest-effect level (LEL) for this study is established at 16 mg/kg/day, based on slight ataxia, increased vomiting, diarrhea, and decreased body weight.

2. A 24-month chronic feeding/carcinogenicity study in rats with a NOEL of 2.5 mg/kg/day and LEL of 6.2 mg/kg/day, based on decreased body weights in males and females, decreased food consumption in males, and inflammatory foci in the kidneys in females. There were no carcinogenic effects observed under the conditions of the study.

3. A 24-month carcinogenicity study in mice. There were no carcinogenic effects observed under the conditions of the study.

4. An oral developmental toxicity study in rats with a maternal and fetal NOEL of 10 mg/kg/day (highest dose tested). An oral developmental toxicity study in rabbits with a maternal NOEL of 20 mg/kg/day and a maternal LEL of 60 mg/kg/day, based on decreased body weight gain and decreased food consumption during the dosing period. A fetal NOEL of 20 mg/kg/day and a fetal LEL of 60 mg/kg/day were also observed in this study. The LEL was based on increased resorptions and increased postimplantation loss.

5. A developmental toxicity study in rats by the inhalation route of administration with a maternal NOEL of 0.0011 mg/L and an LEL of 0.0047 mg/L, based on reduced mobility, dyspnea, piloerection, ungroomed coats, and eye irritation. The fetal NOEL is 0.00059 mg/L and the fetal LEL is 0.0011 mg/L, based on sternal anomalies and increased incidents in runts. A second developmental toxicity study in rats by the inhalation route of administration is currently under review. The issue of whether cyfluthrin directly induces fetotoxicity under these conditions is unresolved at this time.

6. A three-generation reproduction study in rats with a systemic NOEL of 2.5 mg/kg/day and a systemic LEL of 7.5 mg/kg/day due to decreased parent and pup body weights. The reproductive NOEL and LEL are 7.5 mg/kg/day and 22.5 mg/kg/day, respectively.

7. Mutagenicity tests, including a gene mutation assay (reverse mutation and recombination assays in bacteria and a Chinese hamster ovary (CHO)/(HGPRT)); a structural chromosome aberration assay (CHO/sister chromatid exchange assay); and an unscheduled DNA synthesis assay in rat hepatocytes. All test were negative for genotoxicity.

8. A metabolism study in rats showing that cyfluthrin is rapidly absorbed and excreted, mostly as conjugated metabolites in the urine, within 48 hours. An enterohepatic circulation was observed.

A chronic dietary exposure/risk assessment was performed for cyfluthrin using a Reference Dose (RfD) of 0.025 mg/kg bwt/day, based on a NOEL of 50 ppm (2.5 mg/kg bwt/day) and an uncertainty factor of 100. The NOEL was determined in a 2-year rat feeding study. The end-point effects of concern were decreased body weights in males and inflammation of the kidneys in females at the LEL of 150 ppm (6.2 mg/kg/day). The current estimated dietary exposure for the overall U.S. population resulting from established tolerances is 0.001378 mg/kg/bwt day, which represents 5.5 % of the RfD. The current action will increase exposure to 0.002730 mg/kg/ bwt/day or 11% of the RfD. In the subgroup population exposed to the highest risk, nonnursing infants less than 1 year old, the current action will increase exposure to 0.008044 mg/kg bwt/day or 32% of the RfD. Generally speaking, EPA has no cause for concern if total residue contribution for published and proposed tolerances is less than the RfD. EPA concludes that the chronic dietary risk of cyfluthrin, as estimated by the dietary risk assessment, does not appear to be of concern.

Because there was a sign of developmental effects seen in animal studies, the Agency used the rat developmental toxicity study (with a NOEL of 0.00059 mg/L by the inhalation route of exposure) to assess acute dietary exposure and determine a margin of exposure (MOE) for the overall U.S. population and certain subgroups. Since the toxicological end-point pertains to developmental toxicity, the population group of concern for this analysis is women aged 13 and above, the subgroup which most closely approximates women of child-bearing age. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis the Agency calculated the MOE for women ages 13 and above to be 1,250. Generally speaking, MOE's greater than 100 for data derived from animal studies are acceptable to the Agency.

The metabolism of the chemical in animals for this use is adequately understood. An adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual Vol. II (PAM II). Because of the long lead time for publication of the method in PAM II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency 401 M St., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

On August 5, 1988, EPA issued a conditional registration and time-limited tolerance for cyfluthrin for use on cottonseed with an expiration date of October 31, 1991 (see the Federal Register of August 15, 1988 (53 FR 30676)). On November 12, 1992, the conditional registration was amended and extended to November 15, 1993, and the tolerance on cottonseed extended to November 15, 1994 (see the Federal Registers October 20, 1993 (58 FR 54094) and February 22, 1994 (54 FR 9411)). On November 15, 1993, EPA amended the conditional registration on

cottonseed by extending the expiration date to November 15, 1996, and extending the time-limited tolerance to November 15, 1997. The conditional registration was amended and extended to allow time for submission and evaluation of additional environmental effects data. In order to evaluate the effects of cyfluthrin on fish and aquatic organisms and its fate in the environment, additional data were required to be collected and submitted during the period of conditional registration. Such requirements included a sediment bioavailability and toxicity study and a small-plot runoff study that must be submitted to the Agency by July 1, 1996. To be consistent with the conditional registration and extension on cottonseed, the Agency is proposing to issue a conditional registration with an expiration date of November 15, 1996, and establishing a time-limited tolerance on tomatoes, carrots, peppers, radishes, meat, milk, and egg tolerances with an expiration date of November 15, 1997, to cover residues expected to result from use during the period of conditional registration.

There are presently no actions pending against the continued registration of this chemical.

The pesticide is considered useful for the purposes for which it is sought. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR parts 180, 185, and 186 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 9F3731 and FAP 9H5574/P612]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 5, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that chapter I of title 40 of the Code of Federal Regulations be amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. By amending § 180.436, by revising the table therein, to read as follows:

§ 180.436 Cyfluthrin; tolerances for residues.

* * * * *

Commodities	Parts per million	Expiration date
Carrots	0.20	Nov. 15, 1997
Cattle, fat	0.40	Do.
Cattle, meat	0.40	Do.
Cattle, mbyp	0.40	Do.
Cottonseed	1.0	Do.
Eggs	0.01	Do.
Goats, fat	0.40	Do.
Goats, meat	0.40	Do.
Goats, mbyp	0.40	Do.
Hogs, fat	0.40	Do.
Hogs, meat	0.40	Do.
Hogs, mbyp	0.40	Do.
Hops, fresh	4.0	None
Horses, fat	0.40	Nov. 15, 1997
Horses, meat	0.40	Do.
Horses, mbyp	0.40	Do.
Milkfat (reflecting 0.08 ppm in whole milk)	2.50	Do.
Peppers	0.50	Do.
Poultry, fat	0.01	Do.
Poultry, meat	0.01	Do.
Poultry, mbyp	0.01	Do.
Radishes	1.00	Do.
Sheep, fat	0.40	Do.
Sheep, meat	0.40	Do.
Sheep, mbyp	0.40	Do.
Tomato	0.20	Do.

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In § 185.1250, by revising paragraph (a) and removing paragraph (b) and designating it as reserved, as follows:

§ 185.1250 Cyfluthrin.

(a) A tolerance, to expire on November 15, 1997 is established for residue of the insecticide cyfluthrin (cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dicloroethenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the following food commodities:

Commodity	Parts per million	Expiration date
Cottonseed oil	2.0	Nov. 15, 1997
Tomato, concentrated products	0.5	Do.

(b) [Reserved]

* * * * *

PART 186—[AMENDED]

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. In § 186.1250, by revising paragraph (a) and removing paragraph (b) and designating it as reserved, as follows:

§ 186.1250 Cyfluthrin.

(a) A tolerance, to expire on November 15, 1997, is established for residues of the insecticide cyfluthrin (cyano[4-fluoro-3-phenoxyphenyl]methyl-3-(2,2-dicloroethenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the following feed commodities:

Commodity	Parts per million	Expiration date
Cottonseed, hulls	2.0	November 15, 1997
Tomato, pomace (dry and wet)	5.0	Do.

(b) [Reserved]

* * * * *

[FR Doc. 95–9149 Filed 4–10–95; 1:53 pm]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5188–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Hamilton Island (Site) from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Hamilton Island site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that the Site poses no significant threat to public health or the environment and, therefore, remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before May 12, 1995.

ADDRESSES: Comments may be mailed to: Christopher Cora, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW–124, Seattle, Washington 98101.

Comprehensive information on this Site is available through the U.S. Army Corps of Engineers public docket which is available for viewing at the Hamilton Island repositories at the following locations:

North Bonneville City Hall/Community Library North Bonneville, Washington

Bonneville Dam Second Powerhouse and Bradford Island Visitor Center, Skamania County, Washington

U.S. Army Corps of Engineers, Portland District, 333 S.W. First Street, Portland, Oregon 97204

FOR FURTHER INFORMATION CONTACT: Christopher Cora, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW–124, Seattle, Washington 98101, (206) 553–1148.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete Hamilton Island from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as a list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Hamilton Island Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate response under CERCLA have been implemented, and no further action by responsible parties is appropriate, or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, where no hazardous wastes are above health based levels and future access does not require restriction, operation

and maintenance activities and five-year reviews will not be conducted. However, if new information becomes available which indicates a need for further action, the federal government may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 10 selected No Action as the selected remedy in the Record of Decision for the Site. The No Action Record of Decision qualifies the Site for inclusion on the Superfund Site Construction Completion List and may be used to initiate Deletion from the NPL procedures. (2) The Washington State Department of Ecology concurred with the proposed deletion decision. (3) A notice has been published in the local newspaper and has been distributed to appropriate Federal, State, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repositories.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this Notice, § 300.425(e)(3) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary if any significant public comments are addressed.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposed deletion of this Site from the NPL.

Hamilton Island is located adjacent to the Columbia River, approximately one and an half miles downstream from the Bonneville Dam, in Skamania County Washington, 40 miles east of Portland, Oregon. The area surrounding the Site is part of the Columbia River Gorge National Scenic Area. Adjacent areas to the Site are used for commercial, residential and open space.

The Site was used by the U.S. Army Corps of Engineers (USACE) for the disposal of earthen materials and the old town of North Bonneville during the construction of the Bonneville Dam Second Powerhouse between 1977 and 1982.

The Site was placed on the NPL on October 14, 1992 as a Federal Facility. The basis of the listing was for possible releases of arsenic, copper, lead, zinc and toluene above Ambient Water Quality Criteria to the Columbia River and other sensitive ecological areas. The USACE entered into a Federal Facility Agreement on September 24, 1993 with USEPA and the Department of Ecology to conduct a Remedial Investigation/Feasibility Study and the necessary Remedial Actions.

The Remedial Investigation determined that there was not unacceptable risk to human health or the environment, in fact the only contamination, above federal or state health based levels, detected was low level petroleum contamination in soils. On November 29, 1994 USACE proposed, in consultation with EPA and Department of Ecology to take No Action at the Site. No comments were received in opposition to the proposal.

Human health and ecological risk assessments were performed to assess current or future potential adverse human health or ecological effects associated with exposure to chemicals detected in soils, groundwater, surface water and sediments at Hamilton Island. Based on comparison of site specific analytical data with EPA and State risk-based screening criteria, ecological benchmarks, toxicity values, and the detection frequency and exposure potential of chemical constituents, it was concluded that chemicals at Hamilton Island do not pose an unacceptable risk to human health or the environment, under any land use scenario. Accordingly, EPA will not conduct ''five-year reviews'' at this Site.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if ''the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate''. EPA, with concurrence of Ecology, believes that this criterion for deletion has been met. It is concluded that there is no significant threat to public health or the environment and, therefore, no further remedial action is necessary. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: March 30, 1995.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 95–8882 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92–66; Notice 3]

RIN 2127–AF36

Federal Motor Vehicle Safety Standards; Fuel System Integrity

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This notice announces the agency's plans to consider upgrading Federal Motor Vehicle Safety Standard (FMVSS) No. 301, *Fuel System Integrity*, by making the current crash requirements more stringent and by broadening the standard's focus to include mitigation concepts related to fuel system components and environmental and aging tests related to components. This notice requests comments on the agency's plans to explore a three-phase approach to upgrading the standard. The notice also requests data, methods, and strategies, which may assist in the agency's regulatory decisions in defining specific requirements and test procedures for upgrading the standard.

DATES: Comments must be received on or before June 12, 1995.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. William J.J. Liu, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Telephone: (202) 366–2264.

SUPPLEMENTARY INFORMATION:

Introduction

The National Highway Traffic Safety Administration (NHTSA) is announcing its plans to consider upgrading Federal Motor Vehicle Safety Standard (FMVSS) No. 301, *Fuel System Integrity*. The purpose of this rulemaking is to further reduce fatalities and injuries from fires resulting from motor vehicle crashes. Specifically, the agency is considering whether to make more stringent the current crash requirements applicable to vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds (4,536 kg) or less. It is considering also whether to broaden the standard's focus to include ways to prevent or decrease the severity of vehicle fires by exploring regulations related to fuel system components and tests of the resistance of components to environmental and aging factors.

Today's notice outlines NHTSA's plans to explore a three-phase approach to upgrading the standard. In Phase One, the agency would evaluate performance criteria for components to ensure that the flow of fuel from the tank is stopped in a crash. Phase Two would involve defining upgraded crash test performance for frontal, side, and rear impacts (e.g., higher test speeds, additional impact barriers, etc.). During Phase Three, NHTSA would address the effect of environmental and aging factors such as corrosion and vibration on components in the fuel system.

Today's notice also summarizes issues related to vehicle fires and discusses the agency's recent work in this area. The agency is seeking public comment on the merits of the agency's rulemaking efforts to explore alternative ways to upgrade the present standard. Today's notice also supplements a previous notice published on December 14, 1992, in which the agency requested comments about making FMVSS No. 301 more stringent (57 FR 59041, Docket 92–66, Notice 1).

On December 2, 1994, Secretary of Transportation Federico Peña announced a settlement of an investigation by NHTSA of an alleged safety defect in certain General Motors (GM) pickup trucks with fuel tanks mounted outside the frame rails. Under that settlement, GM will contribute over $51.3 million for a variety of safety initiatives. Among other things, the settlement will fund research on ways to reduce the occurrence and effects of post-crash fires. All relevant results of this research will be placed in the public docket for this rulemaking.

The Fire Problem

While vehicle fires are relatively rare events (occurring in only one percent of towed vehicles in crashes), they tend to be severe in terms of casualties. The agency's General Estimates System (GES) reports that, in 1992, approximately 21,000 passenger cars, light trucks, and multipurpose vehicles had a fire related to a crash. Based on an analysis of the agency's Fatal Accident Reporting System (FARS), four to five percent of occupant fatalities occur in crashes involving fire (the fatality being due to burns and/or impact injuries). Overall, the fire itself is deemed to be the most harmful event in the vehicle for about one-third of these fatalities.

An analysis of 1979–1986 National Accident Sampling System (NASS) data (Reference: ''Fires and Burns in Towed Light Passenger Vehicles,'' Docket No. 92–66–N01–001) shows that about 29,000 occupants per year were exposed to fire in towed light passenger vehicles (cars, light trucks, and multipurpose vehicles), of whom three percent received second or third degree burns over at least six percent of the body. The Abbreviated Injury Scale (AIS) defines these burns as moderate and more severe (AIS 2 and greater). Half of those with moderate and more severe burns had second or third degree burns over more than ninety percent of the body; these maximum-severity (AIS 6) burns are always fatal. These estimates are based on all 47 occupants with moderate and more severe burns received in vehicle fires that were investigated as part of the NASS during the eight years from 1979 to 1986.

NASS investigated vehicle fires that involved another 44 occupants with moderate and more severe burns between 1988 and 1990. The eleven years of NASS data suggest that each year 280 surviving occupants and 725 fatally-injured occupants received moderate or more severe burns (AIS 2 or greater). These injuries and fatalities may have been caused by burns or impacts.

NASS 1988 to 1990 data also indicate that potential escape from the fire was made more difficult for most occupants (87 percent) with moderate or more serious burns because they (1) were sitting next to a door that was jammed shut by crash forces, (2) did not have a door at their position, or (3) had a part of their body physically restrained by deformed vehicle structure.

Federal Motor Vehicle Safety Standard No. 301

FMVSS No. 301, *Fuel System Integrity*, first became effective for passenger cars in 1968. The requirements in the current standard apply to all vehicles with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds (4,536 kg) or less since September 1, 1977, and to school buses that have a GVWR greater than 10,000 pounds (4,536 kg) GVWR since April 1, 1977. FMVSS No. 301 only applies to vehicles that use fuel with a boiling point above 32 degrees Fahrenheit (0 degree Celsius).

FMVSS No. 301 limits the amount of fuel spillage from fuel systems of vehicles tested under the procedures specified in the standard during and after specified front, rear, and lateral barrier impact tests. The standard limits fuel spillage due to these required impact tests to 1 ounce (28.4 grams) by weight during the time from the start of the impact until motion of the vehicle has stopped and to a total of 5 ounces (142 grams) by weight in the 5-minute period after the stop. For the subsequent 25-minute period, fuel spillage during any 1-minute interval is limited to 1 ounce (28.4 grams) by weight. Similar fuel spillage limits are required for the standard's static rollover test procedure, which is conducted after the front, rear and lateral impact tests.

The required impact tests for all vehicles that have a GVWR of 10,000 pounds (4,536 kg) or less are: a 30 mph (48.3 kmph) frontal fixed rigid barrier impact with the barrier face perpendicular to the line of travel of the vehicle or at any angle up to 30 degrees from the perpendicular; a 30 mph (48.3 kmph) rear moving flat rigid barrier impact with the barrier face perpendicular to the longitudinal axis of the vehicle; and a 20 mph (32.2 kmph) lateral moving flat rigid barrier impact in a direction perpendicular to the longitudinal axis of the vehicle (i.e., with the barrier face parallel to the longitudinal axis of the vehicle). The weight of the moving barrier is 4,000 pounds (1,814 kg). A rollover test is conducted following the barrier impacts.

The required impact test for large school buses that have a GVWR greater than 10,000 pounds (4,536 kg) is a 30 mph (48.3 kmph) moving contoured rigid barrier impact at any point and angle. The weight of the barrier is 4,000 pounds (1,814 kg). The static rollover test is not required for large school buses.

The standard does not apply to large non-school buses or other vehicles that

have a GVWR greater than 10,000 pounds (4,536 kg).

December 14, 1992 Notice

On December 14, 1992, NHTSA published a Request for Comments notice in the Federal Register (57 FR 59041, Docket No. 92–66, Notice 1) stating that the agency ''is considering initiating rulemaking to upgrade the protection currently provided by'' FMVSS No. 301. The notice also requested answers to specific questions related to test impact speeds, impact barriers, effect of vehicle aging on the likelihood of fire, contribution of occupant entrapment to the likelihood of fire-related injuries, etc.

NHTSA received 35 public comments by October 1994 including comments from most of the major vehicle manufacturers, the American Automobile Manufacturers Association (AAMA), Advocates for Highway and Auto Safety (Advocates), the Center for Auto Safety (CAS), and the Insurance Institute for Highway Safety (IIHS). Commenters raised issues regarding the safety need, the adequacy of the current test procedures, the availability and necessity of developing new test procedures, and the existence and feasibility of countermeasures. Many commenters stressed the need for further detailed investigation of real-world crash data to determine the causes of vehicle fires and fire-related occupant fatalities and injuries. In addition to support for the test procedures currently used in FMVSS No. 301, commenters suggested several alternatives, including substituting the dynamic side-impact test procedures of FMVSS No. 214 for those currently specified in FMVSS No. 301, adding frontal offset crash conditions, and developing new barriers that might be more representative of real-world crash conditions.

The agency has initiated work related to several fire safety issues that need to be considered to define mitigation concepts to reduce fatalities and injuries. Due to resource considerations, not all the safety issues discussed in the previous notice are included in this notice. The issues discussed in this ANPRM include crash conditions, origin of fires, and vehicle age.

Agency Efforts Related to Fuel System Integrity

NHTSA has undertaken the following activities to more-fully understand motor vehicle fires. These include comparing fuel system safety requirements in this country with those in other countries, conducting extensive test crashes related to fuel system integrity, and analyzing data of real-world crashes.

Comparison of U.S. and Foreign Fuel System Safety Requirements

FMVSS No. 301's requirements have been compared to the following foreign fuel system integrity standards: (1) The Canadian CMVSS No. 301, *Fuel System Integrity (Gasoline, Diesel);* (2) the Economic Commission for Europe (ECE) Regulation No. 34, *Uniform Provisions Concerning the Approval of Vehicles with Regard to the Prevention of Fire Risks* (01 Series, Amendment 1, January 29, 1979) (Thirteen European countries have agreed to adopt ECE Reg. No. 34, including Germany, France, Italy, Netherlands, Sweden, Belgium, Czechoslovakia, United Kingdom, Luxembourg, Norway, Finland, Denmark, and Romania); and (3) the Japanese Standard, *Technical Standard for Fuel Leakage in Collision etc.* (Amended on August 1, 1989).

The Canadian CMVSS No. 301 has requirements identical to those of the U.S. FMVSS No. 301.

In terms of application to vehicles: FMVSS No. 301 applies to all vehicles 10,000 pounds (4,536 kg) or less GVWR and school buses over 10,000 pounds (4,536 kg) GVWR. ECE Reg. No. 34 only applies to passenger cars, and the Japanese standard applies to passenger cars and multipurpose passenger vehicles 5,600 pounds (2,540 kg) or less.

In terms of required impact tests: As described above, FMVSS No. 301 requires frontal, rear and side impact tests at 30, 30, and 20 mph (48.3, 48.3 and 32.2 kmph), respectively, plus a static rollover test, for vehicles 10,000 pounds (4,536 kg) or less GVWR. FMVSS No. 301 also requires a 30 mph (48.3 kmph) impact test for school buses over 10,000 pounds (4,536 kg) GVWR.

The ECE Reg. No. 34 requires a 48.3 to 53.1 kmph frontal fixed barrier impact test and a 35 to 38 kmph rear moving flat barrier impact test. The flat rigid barrier weighs 1,100+20 kg. A pendulum can be used as the impactor. ECE Reg. No. 34 does not require a rollover test. The standard requires a hydraulic internal-pressure test for all fuel tanks and special tests (impact resistance, mechanical strength, and fire resistance) for plastic fuel tanks.

The Japanese standard requires a 50+2 kmph frontal fixed barrier impact test and a 35 to 38 kmph rear moving flat barrier impact test. The flat rigid barrier weighs 1,100+20 kg. A pendulum can be used as the impactor.

In terms of test performance requirements: all three standards limit fuel spillage. As in FMVSS No. 301, the ECE Reg. No. 34 and the Japanese standard, in general, also limit fuel spillage to about 1 ounce/min (28.4 grams/min). The Japanese standard lists the ECE Reg. No. 34 and FMVSS No. 301 as examples of equivalent standards.

In summary, FMVSS No. 301 applies to more vehicle classes and to higher vehicle weights than the ECE Reg. No. 34 or the Japanese standard. FMVSS No. 301 requires testing in all crash modes (frontal, side, rear, and rollover). ECE Reg. No. 34 and the Japanese standard require only frontal and rear impact tests. FMVSS No. 301 uses a much heavier moving barrier for impact tests than the ECE and Japanese standards (1,814 kg vs. 1,100 kg). However, FMVSS No. 301 does not require a hydraulic pressure test for fuel tanks, a battery retention requirement, or additional tests for plastic fuel tanks; ECE Reg. No. 34 does. In addition, the ECE Reg. No. 34 requires that ''no fire maintained by the fuel shall occur'' and no failure of the battery securing device due to the impact. Since ECE Reg. No. 34 also requires filling the impacted vehicle's fuel tank ''either with fuel or with a non-inflammable liquid,'' the no-fire requirement is actually interpreted from the observed fuel leakage. It is the agency's understanding that in practice, when the ECE Reg. No. 34 tests are conducted, the fuel tank is filled with non-inflammable liquid.

Safety Issues Related to Vehicle Fires

A. Crash Conditions

The crash conditions discussed in this section refer to real-world crash conditions that result in vehicle fires and their implications for compliance test conditions and performance requirements for the current FMVSS No. 301. To further refine the relationship between real-world and laboratory crash conditions, this notice has examined certain engineering parameters such as impact speeds, impact locations, objects struck, and damage patterns.

Laboratory Crash Test Results

Between 1968 and 1994, the agency has conducted 563 FMVSS No. 301 compliance tests in the frontal impact mode: 14 failures resulted (3%), the last occurring in 1992. Effective September 1, 1976, the standard was amended by requiring rear impact tests for all vehicles and side-impact tests for passenger cars only. Side-impact testing was extended to all vehicles and became effective on September 1, 1977. For model years 1977 through 1994, 331 rear impact and 25 side-impact compliance tests have been conducted; 26 rear impact failures (8%) and 1 side

impact failure (4%) resulted. In computing these failure rates, the rollover test is considered a part of the frontal, rear, or side impact test.

The agency conducted a research test program on FMVSS No. 214, *Side Impact Protection*, for light trucks. Since December 1988, 24 crash tests have been conducted, 2 tests produced fuel leakage at a rate higher than FMVSS No. 301 requirements. Both tests used the FMVSS No. 214 test protocol.

Between 1979 and 1986, 12 out of 201 (6%) frontal New Car Assessment Program (NCAP) tests indicated leakage at a rate above the fuel spillage requirements of FMVSS No. 301 at 35 mph (56.3 kmph). In addition, during the same period, NCAP conducted 53 FMVSS No. 301 rear impact tests at 35 mph (56.3 kmph), and 6 (11%) leaked at a rate above the fuel spillage requirements of the standard. Rollover tests were not conducted following any of the frontal or rear impact NCAP tests. Some of these vehicles were retested at 30 mph (48.3 kmph), but none failed. In 1993, NCAP resumed examining FMVSS No. 301 fuel spillage requirements, and added a rollover test following the frontal impact tests. To date, only one of the approximately 80 vehicles tested leaked at a rate above the requirements of the standard at the higher speed.

Between April and June 1993, the agency conducted six baseline vehicle crash tests (all 1993 models) as part of its initial research effort for exploring potential upgrades to FMVSS No. 301. In addition, the Federal Highway Administration (FHWA) conducted a seventh crash test for the agency. Information on the seven tests has been entered into the docket.

The test conditions for the seven crash tests represent a baseline of delta-v (change of velocities), impact barrier, and impact location. The tested cars were chosen based on their high sales volume as well as agency experience with the cars in other test programs.

The six NHTSA tests include two in each of the crash modes: frontal, side, and rear. Three tests used a 4,000-pound (1,814-kg) moving contoured barrier—a frontal impact into a Chevrolet Corsica at 65 kmph (40.5 mph), a side impact into a Toyota Corolla at 49.4 kmph (30.7 mph), and a rear impact into a Ford Escort at 56.6 kmph (35.2 mph). None of these three tests resulted in a loss of fuel system integrity.

The other three tests were: a frontal impact of a Chevrolet Corsica into a 305-mm (12-inch) diameter stationary pole at 56.3 kmph (35 mph), a side impact into a Toyota Corolla with a 1,361-kg (3,000-pound) deformable moving barrier (FMVSS No. 214 side impact barrier) at 87.1 kmph (54.1 mph), and an offset rear impact into a Ford Mustang with the same type of FMVSS No. 214 moving barrier at 84 kmph (52.2 mph).

The only fuel system failure was a ruptured fuel tank from the rear impact to the Ford Mustang by the FMVSS No. 214 deformable moving barrier, resulting in a delta-v of about 39 kmph (24 mph). The head and chest injury measurements on the instrumented driver and passenger dummies exceeded the criteria specified in FMVSS No. 208, *Occupant Crash Protection*. Thus, the survivability of this crash in the absence of a fire is questionable. However, the agency would like to point out that FMVSS No. 208 is for frontal tests and the test dummies used for the tests were not specifically designed to collect impact data for rear impact tests.

The crash test conducted by FHWA was on a Toyota Corolla, which was crashed into a 203-mm (8-inch) diameter stationary pole directed at the fuel tank location, in a side impact orientation at 32.2 kmph (20 mph). There was no fuel system integrity failure. No dummy instrumentation was used in this test.

The agency also conducted other frontal impact tests. These tests primarily consisted of high speed, vehicle-to-vehicle offset crashes. In addition, several side impact tests were conducted using the FMVSS No. 214 test procedure. Since December 1990, a total of 25 crash tests have been conducted. One test, involving a Chevrolet Corsica, resulted in a small fuel leak from the fuel return line (within FMVSS No. 301's limit). This test was conducted in an oblique configuration with a Honda Accord striking the left front corner of the Corsica.

At the request of NHTSA's Office of Defects Investigation (ODI), the Vehicle Research Test Center (VRTC) conducted 24 side-impact crash tests (including one test with no instrumentation to determine appropriate test speed) of the 1973–1987 General Motors full-size pickup trucks and peer pickup trucks of the same vintage. These tests were conducted as a part of a safety defect investigation, EA 92–041. Seven of these tests were FMVSS No. 301 type side impact tests, three were FMVSS No. 214 moving deformable barrier tests, three were vehicle-to-pole side impact tests, and eleven were various vehicle-to-pickup side impact tests. Reports of these tests are included in the public file for EA92–041.

The summary report for this test program notes that the FMVSS No. 301 type tests produced no leaks in a test of a new replacement fuel tank; however, one of the four GM trucks tested with ''as received'' GM tanks leaked an amount in excess of the FMVSS No. 301 requirements in a rusty area. Non-tank components of one Ford and one GM truck did leak during the static rollover test.

In the three GM truck tests using the FMVSS No. 214 barrier, one at 53.1 kmph (33 mph) and two at 72.4 kmph (45 mph), one caused a leak in the seam of the tank which resulted in a damp area, while the other two did not leak.

In the vehicle-to-vehicle tests, the ride height of the striking vehicle was adjusted to simulate heavy braking. At 72.4 kmph (45 mph) with a Taurus striking car, the GM fuel tank significantly leaked at the sending unit, filler nose, and a rusty area and small cut in the tank. Although no leakage was noted from the fuel tank during a similar test of a Ford F–150, significant fuel leakage was noted from the fuel reservoir mounted on the inside of the left rail.

For the 80.5 kmph (50 mph) tests, significant leaks were noted from the GM vehicles (in ''as received'' and new condition), but no leaks were noted during a similar test on an F–150.

In the 96.6 kmph (60 mph) tests, both the GM and Ford F–150 vehicles leaked significant amounts, with the GM truck rupturing and the Ford F–150 trucks being punctured, forming small holes.

One pole test was conducted at 48.3 kmph (30 mph) on a GM pickup truck with significant vehicle damage and significant fuel leakage. In the pole tests, at 32.2 kmph (20 mph) the GM tank leaked significantly, but in a similar test of a Ford F–150, no leakage was observed.

Data Analysis of Real-World Crashes

Accurate data on vehicle fires are scarce, which makes it difficult to define cause/effect relationships under all circumstances. Unlike many other crashes, investigations of crashes involving fire are hampered by the destruction of evidence needed for crash reconstruction and analysis. The origin of fire in vehicle crashes needs to be understood better to help define possible countermeasures and performance requirements.

NHTSA has reviewed real-world crashes involving fuel system integrity at great length. This analysis includes a review of the National Accident Sampling System (NASS) file, a recent analysis by the agency of the Fatal Accident Reporting System (FARS) data, a detailed hard copy study of accident cases involving fire from NASS and

FARS, and an analysis of State accident files.

The NASS review referenced in the December 14, 1992, Request for Comments notice, ''Fires and Burns in Towed Light Passenger Vehicles'' (Docket No. 92–66–N01–001), noted that most fires occurred in crashes with a delta-v of less than 32.2 kmph (20 mph). This figure is from all fires, regardless of injury level.

When the same NASS files were analyzed for occupant burn injuries at AIS 2 or greater, the sample size was very small, even after the 1991 data were added. The delta-v for frontal impacts resulting in fire was estimated to be from 33.8 to 106.2 kmph (21 to 66 mph), with a 66 kmph (41 mph) median, based on 14 cases. The delta-v for side impacts was estimated to be from 16.1 to 66 kmph (10 to 41 mph), with a 43.4 kmph (27 mph) median, based on seven cases. The delta-v for rear impacts was to be estimated from 12.9 to 96.5 kmph (8 to 60 mph), with a 41.8 kmph (26 mph) median, based on 11 cases.

The following are estimates of the delta-v's. For vehicle- to-vehicle crashes, a 32.2 to 64.4 kmph (20 to 40 mph) delta-v range could result from impact speeds in the 64.4 to 128.8 kmph (40 to 80 mph) range for equal mass vehicles. Similarly, the same delta-v range could be the result of other high impact speeds for crashes involving unequal mass vehicles.

The FARS study analyzed real-world crash data related to vehicle fires to establish which barrier design most closely replicates the damage seen in real-world fatal crashes involving fire. Preliminary results of the agency's FARS study indicate that the combined 1979–1992 data from FARS for light vehicles of model years 1978 and later include 9,440 vehicles with a post-crash fire, of which 2,840 were crashes where fire was classified as the most harmful event. Of the latter vehicles, approximately half were involved in single-vehicle crashes, and half were in multi-vehicle crashes.

For frontal and side fatal crashes involving a fire, approximately 60 percent involved multiple vehicles, while for rear-impact crashes involving in a fire, approximately 90 percent of the crashes involved multiple vehicles. Narrow objects, including trees and poles, account for approximately 40 percent of the objects struck in single vehicle crashes resulting in a fire.

The agency recently completed a detailed hard copy study of a sample of accident cases involving fire from NASS and FARS. The detailed case study report has been entered into the docket of this notice. The title of the report is: ''Fuel System Integrity Upgrade—NASS & FARS Case Study,'' a NHTSA sponsored research study, by GESAC, Inc., DOT Contract No. DTNH–22–92–D-07064, March 1994.

The GESAC study selected 150 NASS cases for detailed analysis, which were selected from recent years and involved fire with any occupant injury of AIS 2 or greater. One of the objectives of the analysis was to suggest a laboratory simulation for accidents that led to vehicle fires. The suggested crash simulations include impact mode, speed, barrier, location, and orientation.

The report presents information on a possible barrier test that most accurately ''simulates'' crashes that resulted in ''moderate'', ''severe'', and ''very severe'' fires. A ''moderate'' fire is defined as fire damage to between 25% and 50% of the vehicle surface, a ''severe'' fire has fire damage to between 50% and 75% of the vehicle surface, and a ''very severe'' fire has fire damage to more than 75% of the vehicle surface.

For this analysis, only the cases for which a simulation was defined were included. Simulations were not defined, for example, for cases where the fire originated outside the vehicle or where the crash conditions were too complicated—these events included multiple impacts, undercarriage impacts, or rollover events, etc. Based on these criteria, there were 64 vehicles selected for simulations.

For vehicles receiving frontal damage, the report indicates that a pole would be the most common simulation barrier type. For rear damage, a moving deformable barrier with a partial overlap (a partial width of the vehicle involved in the crash) was cited most often as a simulation procedure. For side impacts, a pole impact was the most common simulation procedure. The GESAC report also presents information on impact speed for these simulations.

For frontal impacts, the delta-v ranged from 23 kmph to 105 kmph (14 to 65 mph) with a 55 kmph (34 mph) medium delta-v. For rear impacts, the delta-v ranged from 11 kmph to 73 kmph (7 to 45 mph) with a 42 kmph (26 mph) medium delta-v. Overlap, which is defined as the percentage of the frontal or rear width engaged in a crash, ranged from 40% to 100% for frontal crashes, with an average level of 72% overlap. For rear crashes, the overlap ranged from 30% to 95% with an average level of 71%. This real-world crash is similar to the Ford Mustang test, discussed in the previous section, that resulted in a ruptured fuel tank.

Based on these analyses, NHTSA tentatively concludes that in developing any new performance requirements, it should consider alternatives to the FMVSS No. 301 barriers in addition to possible changes in impact speeds. Possible alternatives to be considered are changes to simulate single vehicle crashes, pole tests, and offset tests.

NHTSA also needs to consider the likelihood of an occupant surviving the crash forces in high severity crashes that are associated with many fire fatalities. To address this issue, the agency may have to develop new test dummies that are capable of collecting meaningful data at higher impact speeds and in rear impacts.

To further define crash conditions that lead to fires, NHTSA anticipates conducting additional analysis of the FARS and NASS files, the GESAC study, and experimental crash testing. Additional full-scale crashes are being considered to help identify possible upgraded performance requirements.

Response to the Request for Comments Notice

Impact Speeds

FMVSS No. 301 specifies that the frontal and rear crash tests be conducted at 30 mph (48.3 kmph) and the lateral crash test be conducted at 20 mph (32.2 kmph). The December 1992 notice asked about appropriate test speeds.

In response to that notice, Advocates and CAS supported testing with increased impact speed. Specifically, Advocates stated that impact testing for all crash modes should be conducted at least at 56.3 kmph (35 mph). It also stated that the current side impact 32.2 kmph (20 mph) test speed of existing FMVSS No. 301 is especially inappropriate in light of the agency's current consideration of dynamic lateral test regimens for light trucks. CAS stated that based on crash protection technology in new vehicles, the standard should be amended to provide for no fuel leakage in a 72.4 kmph (45 mph) frontal fixed barrier crash, a 72.4 kmph side moving barrier, and a 72.4 kmph fixed rear barrier.

In contrast, Mazda, Mitsubishi, Volkswagen (VW), Toyota, GM, Chrysler, Mercedes-Benz, BMW, Ford Motor Company and the American Automobile Manufacturers Association (AAMA) questioned the need for testing at higher impact speeds or stated that more data are needed before considering such an increase. For instance, Toyota stated that the data and analyses on injuries and deaths from vehicle fires are insufficient to support a compliance test requirement for higher impact speeds. Similarly, Mercedes stated that increased impact speed as part of a compliance test does not appear to have

great potential for increasing real-world fire safety. AAMA stated that the difference in impact speeds for side versus front and rear tests is representative and reasonable.

Impact Barrier, Location, and Orientation

FMVSS No. 301 requires either fixed or moving rigid impact barriers for the crash tests as described previously in this notice. In the December 1992 notice, NHTSA posed several questions about the appropriate barrier, including whether the current impact barriers should be replaced by the moving contoured rigid barrier for testing large school buses.

National Truck Equipment Association (NTEA), Mazda, Advocates, VW, Toyota, AAMA, BMW, and Ford said no; and no commenter favored this approach. NTEA objected to extending the existing contoured barrier to other vehicles because of economic considerations. Mazda stated that the FMVSS No. 214 barrier represents real-world crashes better than the contoured barrier.

In the December 1992 notice, NHTSA also asked whether the current barriers are representative of typical real-world crash situations.

While GM and BMW stated ''yes,'' Advocates, Ford, and Volvo said ''no.'' GM stated that the FMVSS No. 301 moving barrier side impact test is an appropriate surrogate for real-world side impact circumstances because it properly measures the fuel system performance *regardless* of component location. Advocates stated that the current perpendicular barrier crash test conditions for frontal and rear impact tests should be replaced by offset and angle impacts. Advocates also suggested that the current side impact test should be replaced by a pole impact test, claiming that such a test is more representative of real-world situations.

The December 1992 notice also asked whether all vehicles with GVWR of 10,000 pounds (4,536 kg) or less should be subjected to the impact test requirements for large school buses. Advocates, VW, Toyota, AAMA, Mercedes, BMW, and Ford all opposed this approach, while no commenter favored it. These commenters stated that the contoured barrier does not simulate vehicles in use now.

Another question was whether the FMVSS No. 214 dynamic side impact test should be incorporated into FMVSS No. 301, thereby replacing FMVSS No. 301's current lateral requirements. Of the twelve commenters responding to the question 11 answered ''yes'' (Mazda, Advocates, Mitsubishi, VW, GM, Chrysler, AAMA, Mercedes, BMW, Ford, and Volvo). Only Toyota said ''no.'' In general, the commenters stated that the FMVSS No. 214 side impact test conditions are more representative of real-world accidents than the current FMVSS No. 301 side impact test requirements. GM and AAMA also suggested allowing the FMVSS No. 214 test as an optional test to the FMVSS No. 301 side impact test. In contrast, Toyota stated that available accident data do not demonstrate the need to replace the FMVSS No. 301 test with the FMVSS No. 214 test.

B. Origin of Fires

The origin of fire in vehicle crashes needs to be understood better to help define possible countermeasures and performance requirements.

The agency's NASS collects information on the origin of fires in towed light vehicles. NASS classifies fires as either minor or major. Fires were classified as major if they involved the whole passenger compartment or several different compartments such as the engine compartment, trunk compartment, undercarriage, etc. Approximately 65 percent of crash-induced light vehicle ''major'' fires began in the engine compartment, 28 percent began in the fuel tank or another part of the fuel system, which includes the fuel supply lines, vent lines, and tank filler neck, and seven percent others.

A recently published British article also concluded that the engine compartment was the most common source of fires. This was attributed to the varied electrical and mechanical systems. The article stated that: ''Investigators found that a disproportionately high number of crash/collision fires start in cars built after 1985—especially where the vehicles are fitted with a fuel-injection system. The investigations also showed that fuel line integrity was more at risk from heat and fire than from impact damage.'' (Ref: ''CACFOA Urges Action by Car Manufacturers on Fire Risks,'' *Fire Prevention*, October 1992.)

C. Vehicle Age and Fires

Both the FMVSS No. 301 evaluation report referenced in the December 14, 1992, Request for Comments notice and more recent analysis of real-world crash results indicate that older vehicles involved in crashes represent a disproportionate number of cases in which there was a fire compared to newer crash vehicles. The agency's FARS analysis showed that vehicle age has a statistically significant relationship to fire in fatal crashes. The agency is conducting an extensive statistical analysis of fire occurrence in fatal and other crashes, as a function of the factors that may influence the likelihood of post-collision vehicle fires. Fire occurrence in FARS was examined in fatal crashes with any occurrence of a fire and in those crashes for which the fire was the ''Most Harmful Event.'' Preliminary results indicate that as vehicles (especially passenger cars) age, the likelihood of a fatal fire increases. The preliminary findings also indicate that while trucks involved in fatal crashes have a somewhat higher rate of fire occurrence than cars, there is not an increase in the likelihood of fire as light trucks age.

Preliminary findings indicate that for cars, light trucks, and vans as a group and with all other factors held constant, a vehicle that is ten years older than another is on average, 29.3 percent more likely to be involved in a fatal fire. Most of this increase is found in cars. Although there is an indication that as light trucks and vans age the probability of a fire increases in fatal crashes, the estimated increase is less than the increase for cars only. However, the number of cases in the current data base is insufficient to produce statistically significant results using vehicle age as a variable.

The combined data for cars, light trucks, and vans do not suggest any relationship between vehicle age and likelihood of involvement in a fatal crash where the most harmful event is fire. Nevertheless, post-crash fires should be avoided to the extent practicable. The possible effect of vehicle aging, therefore may need to be addressed in an upgrade of FMVSS No. 301.

To address the problems associated with older vehicles, requirements may need to address such factors as corrosion, stress cracking, fatigue, and mechanical damage. Various aging tests are available, such as the Salt Spray (Fog) Test (ASTM B117), Humidity Test, Laboratory Cyclic Testing and Electrochemical Testing to simulate corrosive environments. However, if the problem of aging in relation to fuel system leakage and fires were attributed to cracking of fuel hoses, etc. then there are other options. Standards with performance requirements for aging of fuel lines and tanks may be one approach to mitigating this problem.

A question related to this subject was posed in the December 1992 notice. Eight commenters did not support setting up an aging test standard within FMVSS No. 301 (Mazda, Mitsubishi, Toyota, GM, AAMA, Mercedes, BMW, and Ford). Advocates and Volvo

supported a component test procedure for aging. VW opposed aging tests on a total vehicle basis but not for components.

Mitsubishi indicated that the design of various replacement parts, their materials and conditions of use and exposure will all vary, and it is not practical to set up a standard specifying time or mileage limits for each part. BMW stated that age-related degradation can occur not only in fuel system components, but also in other parts, components, and structures and could be a significant factor related to degradation, along with differences in vehicle use, operational and environmental conditions and maintenance.

Mazda, VW, and Volvo recommended periodic inspection or replacement of certain fuel system components. Mazda recommended it be performed by the vehicle owner and VW suggested upgraded periodic inspections for vehicle condition be performed under local or state government programs. Mazda also stated that, in the long term, durability testing of critical fuel system components may be advisable.

Advocates strongly supported simulation of fuel system component deterioration and overall system performance loss due to aging effects. Advocates suggested utilizing test standards to detect the deleterious effects of aging and/or exposure to operating or environmental conditions that degrade fuel system integrity.

The agency requests specific comments on the wisdom and practicability of adopting existing test procedures or developing new component test procedures related to aging effects. Individual fuel system components could be evaluated using accelerated aging or corrosion treatment tests.

Phased Rulemaking Approach

Based on the above discussions and preliminary analyses, the agency is considering research and rulemaking activities to amend FMVSS No. 301 to address the following areas:

1. The definition of performance criteria for fuel system components directed at mitigating the cause and spread of vehicle fires.

2. The modification of the existing FMVSS No. 301 crash test procedures and performance criteria to better simulate the events that lead to serious injury and fatalities in fires.

3. The definition of the role of environmental and aging factors such as corrosion and vibration as it affects fuel system integrity, and, if appropriate, the specification of performance criteria related to this area.

The agency is considering whether to initiate rulemaking using a phased approach. The basis of this approach lies in the varying complexity of addressing the different issues listed above. The initial phase would focus on requirements for component performance, the second phase would address system performance, and the third phase would deal with issues related to environmental and aging effects.

Phase 1: Component Level Performance

A. Objectives of Component Approach

The first phase would focus on the specification of performance criteria, at a component level, to attempt to ensure that the flow of fuel from the fuel tank or fuel lines will stop in a crash. It would also focus on minimizing the possibility of an electrical spark of sufficient intensity to act as an ignition source. These specifications would primarily affect fires that originate in the engine compartment. However, they would also help to shut off the fuel flow for all crash modes, including a rollover crash.

Shutting off the fuel flow quickly during or immediately after a crash will eliminate a major fire and fuel source and therefore should both reduce fire incidents and limit the spread of fire, if one were to start. It also appears that many new vehicles incorporate different techniques for addressing this problem. An electric current shut-off device would minimize the possibility of a spark. The performance associated with the fuel shut-off and the electric current shut-off devices can be incorporated into the present crash tests in FMVSS No. 301 or other compliance tests such as those conducted as part of FMVSS No. 214.

As discussed below, the agency is also seeking comment about component test requirements for fuel tanks, fuel pumps, the vehicle's electrical system, and engine fire extinguishes.

The agency requests information on the performance, cost, and practicability aspects of various systems in shutting off the fuel flow and the electric power. The agency also requests comments on ways to develop a practicable test procedure and to define specific criteria with sufficient objectivity that test variability is reduced to a minimum. In the event that other, more appropriate, component tests would satisfy the objectives of the Phase 1 effort, interested parties are requested to provide this information to the agency.

B. Components Now in Use

The agency believes that technology already exists for detecting and identifying conditions when the fuel flow should be shut off. Most new vehicles sold in the United States are already equipped with devices that shut off the fuel pump in any collision that causes the engine to stop.

In some vehicles, sensors detect the consequence of severe engine damage (rotation stops for camshaft, crankshaft or alternator) and immediately shut off the fuel pump. Often, signals from more than one sensor are used to determine if the engine has stopped running and the decision for fuel pump shut-off is left up to the vehicle's onboard computer (such as the Engine Control Unit or Electronic Control Module). Manufacturers also use a ''central'' for collecting and routing crash signals through a central collision detection bus.

Other vehicles are equipped with an inertia switch. Inertia switches can be used to shut off the fuel flow as well as the electric current. Inertia switches operate on sudden impact to open the electrical circuit to the fuel pump or the battery during the crash. An inertia switch can be designed to operate at various levels of impact intensity and direction, and thus could be effective in all crash modes.

The agency requests information on the different components used in vehicles for shutting off the fuel flow or electric current.

C. Component Test Procedures

Fuel system components must operate in a real-world environment surrounded by extreme conditions imposed by modern engine technology. The materials and parts used to assemble fuel system components are already subject to manufacturers' specifications, often derived from or directly related to other engineering standards such as the publications of the American Society for Testing and Materials (ASTM). Some of the test requirements are generic to many of the ASTM standards, for example: vibration, shock, endurance testing, temperature cycling, temperature extremes, compatibility with other materials, etc.

Comments are requested regarding the extent and scope of component test requirements that should be developed as part of the FMVSS No. 301.

The agency has identified the following fuel system and vehicle components as potential candidates for this approach:

a. Fuel tank, including filler pipe
b. Fuel pump(s)

c. Vehicle's electrical system
d. Engine fire retardant/extinguisher

The agency has not included fuel lines in this proposed list because the potential to shut down the entire fuel delivery system when the fuel pump shuts down already exists. Comments are requested about this decision.

a. *Fuel tank, including filler pipe.* During a vehicle crash, the fuel tank may receive crash forces great enough to move or dislodge the tank from its mountings and/or to rupture the tank. If the tank moves significantly, the filler pipe, which is attached to the vehicle body to provide access during refueling, may rupture or break away. If the filler pipe ruptures, fuel could spill. Fuel spillage can be expected under some crash conditions even if the fuel pump is shut off.

One concept would include a check valve located in the filler pipe that is normally closed to prevent fuel flow but that would open automatically during refueling. For example, inserting of the pump filler nozzle could cause the closed check valve to open to permit fuel flow; withdrawing the nozzle would cause the valve to close.

Another concept would use a check valve similar in function to the valves used on heavy truck crossover fuel lines. Applied to the filler neck, this concept would require a large valve, normally open, that would close automatically upon detachment of the filler neck due to a crash.

Comments are requested on how filler check valves should be evaluated during safety compliance tests. For example:

1. Should the filler valve pass a simple go no-go test or should the valve be subjected to many cycles of operation?

2. What test condition would be appropriate for filler check valves: dynamic pendulum or other impact tests?

3. What are the critical engineering parameters that would characterize the proper operation of a filler pipe check valve?

4. Are there alternative ways to control spillage from broken filler pipes?

b. *Fuel pump(s).* Today's passenger cars, light trucks, and vans use electrically operated fuel delivery pumps almost exclusively. Some electric fuel pumps shut down if certain engine operating parameters, such as crankshaft rotation, indicate that the engine has stopped. The agency is interested in how manufacturers use engine sensing to control fuel pump operation and under what conditions the fuel pump is shut off. Specifically:

1. Is current sensing time response adequate to prevent fuel spillage? If not, what would improve response time?

2. How does cessation of engine rotation typically relate to the frontal crash pulse; i.e., after engine disintegration begins, how long does it take for the rotating parts to stop?

3. During this time interval, how much fuel spillage could occur, assuming that the crash has damaged the fuel lines, making fuel spillage imminent?

4. How would sensing engine rotation provide benefit to vehicles involved in a rear impact? rollover? side impact? in any crash where engine damage may be slight?

5. With regard to vehicle rollover, would a separate rollover switch prevent fuel spillage? Could this function be practicably combined in a single switch that would respond to all crash modes?

6. Does fuel pump shut-off prevent gravity-induced fuel flow through the pump?

7. Should a single fuel pump cutoff switch be used to replace the functions currently performed by sensing engine rotational parameters?

8. What advantages/disadvantages would such an installation incur? Some manufacturers currently use inertia switches to interrupt the flow of electricity to the fuel pump when a crash is sensed, thereby causing the fuel pump to shut down.

1. Could an inertial switch be substituted for the systems that sense engine shut down to disable fuel pumping?

2. Under what conditions would such a substitution be impracticable or too costly?

3. What sensitivity of operation should an effective inertia switch have?

4. Can inertia switches be manufactured with sufficient durability and reliability to function for long periods of time unattended in a relatively harsh automotive environment?

5. Are there any other features of an inertia switch that would be detrimental to occupant safety; e.g., what measures must an occupant take to restart the vehicle after an inertia switch has stopped fuel flow?

The agency is also interested if manufacturers or others have any alternative techniques for accomplishing fuel shut-off during a crash.

c. *Vehicle's electrical system*. Other means exist to cause the fuel pump to shut down in a crash. For example, a battery shut-off device could remove all electrical power from the vehicle at the onset of a crash. However, battery shut-off may have unintended consequences if electrically operated door locks or windows are rendered inoperative during a crash. Comments are requested regarding the relative costs and practicability of battery shut-off devices.

d. *Engine fire retardant/extinguisher.* After ignition takes place, vehicle fires could be controlled or extinguished if the proper equipment were available and functioning. Examples of equipment that could help control or extinguish a fire include an onboard fire extinguisher mounted in the engine compartment and fire retardant blankets. A fire extinguisher using carbon dioxide or other gaseous mixtures could be operated by means of existing vehicle sensors (such as the inertia switch) or by other signals. Fire retardant blankets attached underneath the vehicle's hood could drop down onto the engine to smother a fire in the event of a crash. Comments are requested on the costs and practicability of these concepts.

Phase 2: System Level Performance

The second phase would focus on the process of defining upgraded crash test performance for frontal, side, and rear impacts. The present crash tests specified in FMVSS No. 301 require a frontal fixed barrier impact at 30 mph (48.3 kmph), a moving barrier impact of 20 mph (32.2 kmph) into the side of a stationary vehicle, and a moving barrier impact of 30 mph (48.3 kmph) into the rear of a stationary vehicle.

From the information discussed in this notice, it appears that the present tests in FMVSS No. 301 may not be representative of the severity of the crash conditions associated with fatal and severe injury-causing fires. However, it is difficult at this time to define specific upgrades to these crash conditions without further tests. Some potential tests that appear promising for upgrading FMVSS No. 301 test procedures are the offset/oblique tests in the frontal mode, the FMVSS No. 214 offset barrier in the rear test mode and a pole impact or FMVSS No. 214 barrier for the side impact.

As identified in the GESAC study, a key objective for such tests may be to limit the engagement to a narrower area than engaged with current barriers. The specific crash conditions that cause fuel system loss of integrity must be defined, along with an understanding of which crashes would be survivable if fire was avoided. Accident data analyses and crash testing are being considered to further explore these issues, which is expected to be the second phase of

rulemaking, which may be conducted concurrently with the first phase.

The agency requests comments on the performance aspects and practicability of this approach.

Phase 3: Environmental and Aging Effects

The third phase would explore the issue of environmental and aging effects on vehicle condition and the possible relationship to fire occurrence. The agency's preliminary analyses of FARS and State accident files indicate that the likelihood of fire increases with the age of the vehicle. The analysis also attempted to determine the possible differences, if any, in the occurrence of fire in fatal crashes in states that typically experience more inclement weather (i.e., snow and ice) and as a result, use more salt and other corrosive substances on public roadways, when compared to other states.

Passenger cars registered in the ''salt belt'' states and involved in fatal crashes were found to have an approximately 25 percent greater rate of fire occurrence in fatal crashes, compared with passenger cars in fatal crashes in the ''sun belt'' states. (It should be noted that when the fire itself was deemed to be the most harmful event in the vehicle, the ''salt belt'' states had a lower rate compared to the ''sun belt'' states.) It is not clear at this time whether this possible relationship between vehicle aging, weather and use of salt and similar substances and fire occurrence may be due to environmental characteristics, to changes in vehicle design, to differences in operator characteristics, or a combination of these factors. If this disparity can be attributed to environmental factors, it may be possible to add environmental tests, such as corrosion, to FMVSS No. 301.

Further work is needed to associate vehicle fires with environmental and aging factors and to define possible performance tests. Because of this, the agency is considering addressing this problem in a third phase of rulemaking.

The agency requests comments on this phased approach. This approach may be implemented either sequentially or concurrently, depending on the timing of the research.

Rulemaking Analyses

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. The agency has determined that this notice is significant under Department's policies and procedures. The agency notes that the increase in vehicle production costs and corresponding increases in consumer costs that would result from upgrading the requirements of FMVSS No. 301 would depend on the stringency and nature of the new requirements and the extent to which present and planned new production vehicles would already meet them, i.e., the type and extent of vehicle changes that would be necessary. Since the agency is still in the research and analysis phase of the rulemaking, including assessing new vehicle hardware and fuel system crash integrity, it cannot provide a cost estimate at this time. Nevertheless, a more comprehensive discussion of this notice's cost impacts is discussed in the Preliminary Regulatory Evaluation, which has been placed in the public docket.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the ANPRM will be considered as suggestions for further rulemaking action. Since NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Issued on April 6, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standard.

[FR Doc. 95–9025 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 60, No. 70
Wednesday, April 12, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States.

Date: Monday, April 24, 1995, at 2:30 p.m.

Location: Office of the Chairman, Administrative Conference of the United States, Suite 500, 2120 L Street, NW., Washington, DC (Library 5th Floor).

FOR FURTHER INFORMATION CONTACT: Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, Suite 500, 2120 L Street, NW, Washington, DC 20037. Telephone: (202) 254–7020.

SUPPLEMENTARY INFORMATION: The meeting is to continue discussion of (1) draft recommendations based on a report by Professor William Kovacic, visiting at American University, on choice of forum in government contract bid protest disputes; and (2) a draft report by Professor Michael Healy of the University of Kentucky on preclusion of pre-enforcement judicial review in Superfund cases.

Dated: April 7, 1995.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 95–9063 Filed 4–11–95; 8:45 am]

BILLING CODE 6110–01–W

DEPARTMENT OF AGRICULTURE

Foreign Agriculture Service

Agricultural Policy Advisory Committees for Trade, et al.

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Reestablishment of Agricultural Advisory Committees for Trade.

SUMMARY: Notice is hereby given that the Secretary of Agriculture, after consultation with the United States Trade Representative, has reestablished the following advisory committees: Agricultural Policy Advisory Committee for Trade and five separate Agricultural Technical Advisory Committees (ATAC) for Trade in: Fruits and Vegetables; Animals and Animal Products; Grains, Feed, and Oilseeds; Tobacco, Cotton, and Peanuts; Sweeteners. The purpose of these committees is to provide advice to the Secretary and the U.S. Trade Representative with respect to the trade policy of the United States pursuant to section 135(c) of the Trade Act of 1974 (Pub. L. 93–618) as amended. Meetings of these committees will be open to the public, unless the Secretary or the Trade Representative otherwise determine that the committees will be discussing issues the disclosure of which justify closing such meetings or portions thereof in accordance with matters listed in section 552(c) of Title 5 of the United States Code.

The renewal of such committees is in the public interest in connection with the duties of the Department imposed by the Trade Act of 1974, as amended.

FOR FURTHER INFORMATION CONTACT: Comments regarding the reestablishment of these committees should be addressed to John Winski or Denise Burgess, Foreign Agricultural Service, United States Department of Agriculture, Room 5065–S, Washington, DC 20250–1000.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix), notice is hereby given that the Secretary of Agriculture and the United States Trade Representative are reestablishing the Agricultural Policy Advisory Committee for Trade and the Agricultural Technical Advisory Committees for Trade. In 1974, Congress established a private sector advisory committee system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Congress expanded and enhanced the role of this system in three subsequent trade acts. The private sector advisory system now consists of almost 40 committees, arranged in three tiers; The President's Advisory Committee on Trade and Policy Negotiations (ACTPN); seven policy advisory committees, including the Agricultural Policy Advisory Committee for Trade (APAC); and more than 30 technical advisory committees including the Agricultural Technical Advisory Committees for Trade (ATACs). The duties of the APAC are to provide the Secretary and the Trade Representative with advice concerning: negotiating objectives and bargaining positions before entering into a trade agreement; the operation of an agreement once entered into; and other matters arising in connection with the administration of the trade policy of the United States. The duties of the ATACs are to provide advice and information regarding trade issues which affect both domestic and foreign production and trade concerning the respective agricultural commodities, drawing upon the technical competence and experience of its members. Each committee is required to meet at the conclusion of negotiations for each trade agreement entered into under the Act to provide a report on such agreement to the President, to Congress, and to the U.S. Trade Representative. The APAC consists of 50 members. The members elect a chairperson from the membership of the committee. The Assistant to the Administrator, Foreign Agricultural Service, and the Assistant U.S. Trade Representative, Intergovernmental Affairs and Public Liaison, Office of the U.S. Trade Representative, are the Committee's Joint Executive Secretaries. Each of the ATACs consist of approximately 25 members. The members of each committee elect a chairperson from the membership of the committee. A full-time Federal Officer or employee of the Foreign Agricultural Service shall serve as the Executive Secretary of each Technical Advisory Committee. Each committee is chartered for a period of two years, at which time all appointments expire. Reappointments are made at the discretion of the Secretary and of the U.S.Trade Representative.

Issued at Washington, DC this 31st day of March.

Wardell Townsend, Jr.,

Assistant Secretary for Administration.

[FR Doc. 95–9006 Filed 4–11–95; 8:45 am]

BILLING CODE 3410–10–M

Rural Housing and Community Development Service

Submission of Information Collection to OMB (Under Paperwork Reduction Act and 5 CFR Part 1320)

AGENCY: Rural Housing and Community Development Service, USDA.

ACTION: Notice.

SUMMARY: The information collection requirements described below have been submitted to Office of Management and Budget (OMB) for expedited clearance under 5 CFR 1320.18. The RHCDS solicits comments on the subject submission. This action is necessary in order for RHCDS to inform Multiple Family Housing program borrowers with Section 8 project-based housing subsidy who signed RHCDS interest credit agreements prior to October 27, 1980, that RHCDS may have improperly reduced benefits under the interest credit agreement. Each affected borrower will be advised of available options, ranging from reversal of certain previous RHCDS actions and retroactive application of certain collections to the borrower's loan account. Each affected borrower will be given the opportunity to request correction of the application of interest credit subsidy to their loan account. The intended effect is to restore the affected borrower accounts to their correct accounting status.

ADDRESSES: Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Lisa Grove, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William F. Daniel, Senior Loan Officer, Multiple Family Housing Servicing and Property Management Division, RHCDS, Ag Box 0782, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone (202) 720–1619.

SUPPLEMENTARY INFORMATION: RHCDS has submitted this proposal for collection of information to OMB for expedited clearance as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The supporting statement attached explains the need for informing affected borrowers and requesting them to advise RHCDS concerning their choice of available options in servicing their loan account.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507.

Supporting Statement

Notification of Choice of Options for Borrowers with Section 515/8 and Interest Credit Agreements Signed before October 27, 1980.

Justification

1. The Rural Housing and Community Development Service (RHCDS), successor in part to the Farmers Home Administration (FmHA), is authorized under sections 515 and 521 of title V of the Housing Act of 1949, to provide loans and grants to eligible recipients (borrowers) for the development of rural rental housing to benefit very-low and low-income rural residents. By Memorandum of Understanding (MOU) dated June 23, 1976, the Secretaries of Agriculture and Housing and Urban Development (HUD) agreed that HUD's Section 8 project-based subsidy program could be combined with the FmHA Section 515 program to reduce shelter cost for the beneficiaries (tenants).

On October 27, 1980, FmHA initially issued its regulations [7 CFR part 1930, subpart C (0575–0033)] for the ''Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients.'' Exhibit C of this regulation stipulated conditions that permit the Agency to require the borrower to deposit any excess funds from the subsidy stream into the project reserve account should the HUD Section 8 rent rate exceed rent rates approved by FmHA. In the event the reserve account built to a level exceeding a required amount, FmHA was then permitted to reduce or cancel any interest credit that FmHA provided in meeting its agreement with HUD as stipulated in the MOU. The intended effect was to avoid double subsidy by the Federal Government, namely Interest Credit by FmHA and Section 8 by HUD, for the same span of subsidy need.

During its administration of the combined loan and subsidy programs, FmHA established six interest credit agreement forms as the program regulations developed. In 1994, a challenge to the Agency's ability to reduce or cancel interest credit was filed in Federal court. RHCDS has reviewed all interest credit agreement forms and regulations, including those previously used. RHCDS concluded that any interest credit agreement signed before October 27, 1980, does not support reduction or cancellation of interest credit, collection of overage, or requiring any excess funds to be deposited in the project reserve account resulting from HUD Section 8 rent adjustments, with one exception which is described in the Administrative Notice for the October 13, 1977, interest credit agreement form.

RHCDS intends to issue an Administrative Notice (AN) to all Acting State Directors and District Directors for Rural Economic and Community Development (RECD), who have oversight responsibility for RHCDS programs. The AN will explain the background of factors leading to the conclusion that interest credit agreements signed before October 27, 1980, lack basis for RHCDS or its predecessor Agency, FmHA, to cancel or reduce interest credit, collect overage and require deposit of excess subsidy funds in a project reserve account. The AN will explain the correct administration of interest credit agreements for each of the six versions of the agreement form ever used.

Each RECD servicing office (District Office) will be directed to identify all Section 515 multiple family housing loan accounts that have Section 8 project-based subsidy. Attachment 1 of the AN contains the wording of the notice to be sent by certified mail to each identified loan account borrower. The borrower will have certain choices to request retroactive processing of their loan account or to maintain status quo. Attachment 2 of the AN contains the language of the response that each affected borrower is asked to return to the servicing office by close of business, December 29, 1995, for corrective processing. The public burden will involve the borrower reading Attachment 1, considering choices, and responding to the RECD servicing office, using Attachment 2.

2. The purpose of Attachment 2 of the AN will be to allow affected borrowers to inform the RECD servicing office one time of their choice of available options in the servicing of their loan account. The servicing office will process, within 60 calendar days of receipt, any requests for retroactive application of loan payments and overage that was collected by RHCDS. The loan payments and overage will be reapplied as of the date they were originally applied. Such reapplication will have the effect of paying borrower loan accounts ahead of schedule. The servicing office will honor any request to have RHCDS cease the requirement of depositing excess rent in the project reserve account. Should the borrower choose to continue with the current loan servicing arrangement, no further action by RHCDS will be required other than to file the completed Attachment 2 reply

in the borrower casefile. If the collection of information were not to take place using Attachment 2, considerable cost to RHCDS and the borrower would result because of the time it would require for each servicing office to call each affected borrower, explain the content of the AN and solicit a verbal response. Documentation of borrower choices would be seriously weakened by not using Attachment 2.

3. RHCDS is currently working with industry representatives to establish a fully automated interface in communication between servicing office and borrower. It is not yet available for use with this information collection effort.

4. Duplication is not a factor in this one-time information collection effort. RHCDS has no way of knowing what each borrower will select from among the available choice of options in servicing their loan account. Such information will be the result of a conscious conclusion of variable considerations known only to each borrower.

5. The information collection will affect small businesses and organizations. The Attachment 1 notice to borrower and the Attachment 2 response to the servicing office is succinct, consisting of only four pages containing self-explanatory information.

6. This will be a one-time collection of information and will not be repeated.

7. This information collection effort is consistent with the provisions of 5 CFR 1320.6.

8. The following organizations and points of contact were consulted January 27–February 3, 1995, to obtain their views and insights on the availability of data for this one-time collection, clarity of instructions and recordkeeping, disclosure and format of Attachment 2 and the data elements to be reported:

a. Johanna Shreve, Rural Housing Council, National Association of Home Builders, 1201 15th Street, NW., Washington, D.C. 20005, Telephone 202–822–0236 –––
b. Anna Moser, Council for Rural Housing and Development, 1300 19th Street, NW., Suite 410, Washington, D.C. 20037, Telephone 202–296–5159
c. Herb Collins, Boston Capital, 313 Congress Street, Boston, Massachusetts, 02210–1231, Telephone 617–330–0072
d. Art Collings, Housing Assistance Council, Inc., 1025 Vermont Avenue, NW., Suite 606, Washington, D.C. 20005

No major problems were noted during the consultations that cannot be resolved.

9. Discussions were held in professional confidence in generic terms; no particular individual borrower or loan account was discussed.

10.– There are no questions in this information collection that are of a sensitive nature, such as sexual behavior, religious beliefs, and other matters commonly considered private.

11. The cost to the Federal Government and to the respondents will occur only one time, thus the estimates of cost shown in this justification are the one-time cost rather than annualized as it would be for an on-going public burden.

The average RHCDS administrative cost is $27.40 per employee hour. This cost is a composite of salary and employment benefits and RHCDS overhead. The RHCDS cost per respondent is estimated at $54.40 for 2 hours of work for each respondent; total cost is estimated at $34,598.

In consultation with the contacts described in Item 8, RHCDS estimates each respondent will devote an average of 2 hours at an average cost of $30.00 per hour to respond. The cost per respondent for this one-time information collection is estimated at $60.00; total cost is estimated at $38,160.

12.– RHCDS estimates there are 636 respondents who will respond to the information collection effort. The collection of information will occur only one time. Attachment 1 of the AN will be sent by certified mail to inform each respondent about three choices of options. Attachment 2 of the AN will be used as the response document on which the respondent will identify their choice of each option.

The Federal burden estimate is 2 hours on average to prepare Attachments 1 and 2 of the AN, send them by certified mail, and receive and process each response using Agency automation systems. The public burden estimate is 2 hours on average to receive Attachments 1 and 2 of the AN, read, comprehend, seek and receive professional consultation, make a decision and respond using Attachment 2.

13. This is the first and only time this burden will be necessary. This is a unique burden rather than a reoccurring burden, thus there are no changes in burden.

14.– Data collected will not be published.

Attachment 1—Guide Letter

Certified Mail—Return Receipt Requested

Addressee

(Insert Section 515/8 Borrower Name and Address)

Reference: (Project Name)

Dear (Borrower): You have been identified by the Rural Housing and Community Development Service (RHCDS) as a borrower that may be entitled to a reversal of actions previously taken in the administration of your loan account. Your loan documents include an interest credit agreement that was signed before October 27, 1980. The interest credit agreement was executed in conjunction with a Housing Assistance Payment Contract (Section 8 subsidy) administered by the Department of Housing and Urban Development (HUD).

In the course of administering your loan account, RHCDS, formerly known as the Farmers Home Administration (FmHA), cancelled or reduced the amount of interest credit provided by the Agency, and/or required you to pay overage to offset interest credit to prevent the Federal Government from providing a double subsidy to the project. Additionally, you may have been required to deposit excess HUD Section 8 subsidy in the project reserve account.

The Agency has determined in retrospective review that the Agency should not have taken certain actions in the past that resulted in cancellation or reduction of interest credit, payment of overage, and deposit of excess HUD subsidy into the project reserve account.

An exception to what has been stated thus far in this letter will apply if you executed Form FmHA 444–7 (Rev. 10–13–77), ''Interest Credit and Rental Assistance Agreement,'' before October 27, 1980, and the third block of paragraph 2 of the agreement was checked. In this instance, the Agency had a legal basis to take the actions which were taken.

At this time, RHCDS is offering you the following options from which to choose:

1. Have RHCDS retroactively restore any level of interest credit that was cancelled or reduced, and retroactively remove any previous overage charges;

2. Have RHCDS apply amounts equivalent to each collection of the difference between the original note payment under interest credit, and the payment resulting from the elimination of interest credit, and/or each collected overage payment as regular payments to the loan as of the date each payment was originally applied. As a result, the loan balance will show ahead of schedule. The requirement to make regularly scheduled monthly payments will continue;

3. Have RHCDS cease requiring you to deposit excess funds from HUD rent adjustments in the project reserve account; or

4. Continue with your current loan servicing and payment arrangement with the understanding that RHCDS cannot require you to maintain the current arrangement.

The preceding options are offered to you until December 29, 1995. RHCDS is allowing time for you to evaluate the effects of choosing any of the available options on the finances of your project and/or your Federal and State taxes. This offer will not extend beyond December 29, 1995. It will not be repeated nor will a change of choice be permitted at a later date.

We ask that you complete the attached Choice of Options and return it to this

Servicing Office by close of business,*December 29, 1995*. Our office will process and submit your Choice of Options within 60 days of receiving the request. If you do not respond by this date, RHCDS will continue with your current loan servicing and payment arrangement.

Please note that RHCDS will not be sending you a reminder to consider and submit your Choice of Options. If you have any questions, please contact us at (to be filled in by the local RHCDS Servicing Office).

Sincerely,

RHCDS Servicing Official

Attachment 2—Guide Letter

Notification of Choice of Options for Borrowers With Section 515/8 and Interest Credit Agreements Signed Before October 27, 1980

Dear RHCDS Servicing Office:

In response to your certified letter dated _____, 1995, we have selected the following options for the further servicing of our loan account. We understand this is a one-time offer by the Rural Housing and Community Development Service (RHCDS) and our choice of *one* of each of the following categories is final and must be received by RHCDS by close of business December 29, 1995. We further understand that adjustments to the loan account will not be in the form of cash refunds from RHCDS.

Interest Credit

[ ] We choose to have RHCDS retroactively reinstate interest credit to its original level and retroactively have amounts equivalent to each collection of the difference between the original note payment under interest credit and the payment resulting from the elimination of interest credit be applied as regular payments to the loan as of the date each payment was originally applied. We understand our loan account will show as paid ahead of schedule after the adjustment and we are to continue paying regularly scheduled monthly loan payments.

[ ] We choose to continue with cancellation or reduction of interest credit as a voluntary choice made now or in a previous year.

Overage

[ ] We choose to have RHCDS retroactively remove previous overage charges and have amounts equivalent to each collection of overage be applied as regular payments to the loan as of the date each payment was originally applied. We understand our loan account will show as paid ahead of schedule after the adjustment and we are to continue paying regularly scheduled monthly loan payments.

[ ] We choose to continue paying overage as a voluntary choice made now or in a previous year.

Deposit of Excess Rent in the Project Reserve Account

[ ] We choose to have RHCDS remove the requirement of depositing excess rent in the project reserve account, additionally:

[ ] We are a limited profit or nonprofit borrower and we choose to apply any excess rent and the amount in the reserve account that is excess to the required reserve account level adjusted for project life-cycle needs on the loan account, *or*

[ ] We are a full profit borrower and we choose to claim as profit any excess rent and the amount in the reserve account that is excess to the required reserve account level adjusted for project life-cycle needs, subject to approval by the RHCDS Servicing Office; (or)

[ ] We choose to continue depositing the excess rent in the project reserve account as a voluntary choice made now or in a previous year.

Sincerely,

(Borrower name and signature of borrower official)

Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, (OMB No. 0575–0033), Washington, DC 20503. Please do not return this form to either of these addresses. Forward to RECD only.

Dated: March 28, 1995.

Maureen Kennedy,

Acting Administrator, Rural Housing and Community Development Service.

[FR Doc. 95–8946 Filed 4–11–95; 8:45 am]

BILLING CODE 3410–07–U

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Florida Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Tuesday, May 9, 1995, at the Hotel Intercontinental, 100 Chopin Plaza, Trinity Room, 2nd Floor, Miami, Florida 33131. The purpose of the meeting is to provide orientation for the newly appointed Committee, to update members on the Commission, to discuss a draft report on Racial and Ethnic Tensions in Florida, and to discuss civil rights developments in the State and Nation.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rabbi Solomon Agin, 813–433–0018, or Bobby D. Doctor, Director of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 5, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95–9001 Filed 4–11–95; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Washington Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 7 p.m. and adjourn 8 p.m. on Thursday, June 8, 1995, at the 6th Avenue Inn, 2000 6th Avenue, Seattle, Washington 98211. The purpose of the meeting is to brief Committee members on procedures and presentors at the forum on June 9, 1995. On Friday, June 9, 1995, the Committee will convene at 9 a.m. and adjourn at 4 p.m. at the Convention Center, 800 Convention Center Place, Seattle, Washington 98181. The purpose of the meeting is to obtain information on disproportionality in the administration of justice for youth.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson William Wassmuth, 206–233–9136, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 5, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95–9000 Filed 4–11–95; 8:45 am]

BILLING CODE 6335–01–P

Amendment to Notice of Public Meeting of the Utah Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission originally scheduled for Thursday, April 20, 1995, in Salt Lake City, Utah, has a new date. The meeting will convene on Tuesday, June 6, 1995. The purpose, time, and address of the meeting remain the same as previously published in the Federal Register on March 31, 1995, FR Doc 95–7912, 60 FR 16603.

Persons desiring additional information should contact Ki-Taek Chun, Acting Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049).

Dated at Washington, DC, April 7, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95–9126 Filed 4–11–95; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held May 4, 1995, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th Street and Pennsylvania Avenue NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

General Session

1. Opening remarks by the Chairman
2. Introduction of members and guests
3. Presentation of public papers or comments
4. Discussion on status of Export Administration Regulations (EAR)
5. Discussion on recent changes in the nuclear and chemical weapons control regimes that may affect the transportation sector.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the following address: Ms. Lee Ann Carpenter, TAC Unit/OAS/EA Room 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 22, 1994, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call (202) 482–2583.

Dated: April 7, 1995.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 95–8972 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Docket 12–95]

Foreign-Trade Zone 22, Chicago, Illinois Proposed Foreign-Trade Subzone UNO–VEN Company (Oil Refinery and Petroleum Coking Complex) Will County, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of FTZ 22, requesting special-purpose subzone status for the oil refinery and petroleum coking complex of the UNO–VEN Company (joint-venture between VPHI Midwest, Inc. (subsidiary of Petroleos de Venezuela, S.A.), and Midwest 76, Inc. (subsidiary of Union Oil Company of California)), located in Will County, Illinois (Chicago area). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 31, 1995.

The refinery complex (917 acres) consists of 2 sites in Will County, Illinois: *Site 1* (906 acres)—main refinery complex located adjacent to the Chicago Sanitary and Ship Canal at 135th Street, in the Romeoville area, some 30 miles southwest of Chicago (includes on-site coking operation jointly owned by UNO–VEN and Lemont Carbon, Inc.); *Site 2* (11 acres)—UNO–VEN crude oil storage (546,000 barrel capacity) within Texaco Trading and Transport Tank Farm, located at 301 West Second Street, Lockport. Crude oil is transported from the tank farm to the refinery via the Chicap Pipeline.

The refinery (150,000 barrels per day; 730 employees) is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, kerosene, gas oil, diesel fuel, fuel oil, residual fuels and naphthas. Petrochemical feedstocks include methane, ethane, mixed butanes, benzene, toluene, xylene, and propane. Refinery by-products include petroleum coke. Almost all of the crude oil (88 percent of inputs), and some feedstocks and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from 5.25¢ to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 12, 1995.

Rebuttal comments in response to material submitted during the foregoing period may be submitted during the

subsequent 15-day period (to June 26, 1995).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Xerox Center, Suite 2440, 55 E. Monroe St., Chicago, IL 60603

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: April 5, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–8985 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket A(32b1)–4–95]

Foreign-Trade Zone 43—Battle Creek, MI; Request for Export Manufacturing Authority Lotte U.S.A., Inc. (Chewing Gum)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Battle Creek, Michigan, grantee of FTZ 43, pursuant to § 400.32(b)(1) of the Board's regulations (15 CFR Part 400), requesting authority on behalf of Lotte U.S.A., Inc. (subsidiary of Lotte Company, Ltd., Japan), to manufacture chewing gum under zone procedures for export within FTZ 43. It was formally filed on March 31, 1995.

Manufacturing approval is being requested to permit the establishment of a manufacturing for export operation within FTZ 43 involving chewing gum. Certain materials (accounting for less that 20% of finished product value) would be sourced from abroad, including: Oil and powder-based flavors, natural resin, polyvinyl acetate, monoglyceroid, tea extract, and kenponashi extract. U.S.-origin inputs would include aspartame, gelatine and natural rubber. All finished chewing gum products made under zone procedures would be exported.

Zone procedures would exempt Lotte from Customs duty payments on the foreign materials used in the export activity. The operation will also require authority from the U.S. Food and Drug Administration (FDA) because certain non-FDA approved materials would be used in the products made for export, and FDA will be consulted by the FTZ Board.

In accordance with the Board's regulations, a member of the FTZ Staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 12, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 10-day period (to May 30, 1995).

A copy of the application and the accompanying exhibits will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 31, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–8986 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 9–94]

Foreign-Trade Zone 86—Tacoma, Washington; Reissuance of Grant of Authority

A joint request has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Tacoma (Washington), grantee of FTZ 86, and the Puyallup Tribal FTZ Corporation (PTFTZ) for the reissuance of the grant of authority for three parcels (125 acres) within FTZ 86 to the PTFTZ. The request was submitted pursuant to the regulations of the Board (15 CFR Part 400). It was formally filed on March 11, 1994 and amended on March 17, 1995.

The three parcels are part of an area recently transferred from the Port of Tacoma to the Puyallup Indian Tribe Council in accordance with the Washington Indian Land Claims Settlement Agreement (25 USC 1773) in 1991. This request would result in a new zone project with PTFTZ as the new grantee.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 30, 1995.

A copy of the application and accompanying exhibits will be available for public inspection at the following locations:

Port of Tacoma, 1 Sitcum Plaza, Tacoma, Washington 98421

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: April 5, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–8988 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 13–95]

Foreign-Trade Zone 41—Milwaukee, WI Area Application for Expansion and Request for Manufacturing Authority (Children's Books)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Wisconsin, Ltd., grantee of FTZ 41, requesting authority to expand FTZ 41 to include a general-purpose site in Sturtevant, Wisconsin, and requesting authority on behalf of Publications International, Ltd. to assemble children's books within FTZ 41, Milwaukee, Wisconsin area, within the Milwaukee Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on April 3, 1995. FTZ 41 was approved on September 29, 1978 (Board Order 136, 43 FR 46887, 10/11/78). It currently consists of 4 sites in the Milwaukee area: Site 1 (300 acres)—within the Port of Milwaukee complex; Site 2 (210,000 sq. ft.)—warehouse facility, 1925 E. Kelly Lane, Cudahy; Site 3 (120 acres)—West Allis Industrial Center, in West Allis; and, Site 4 (166 acres)—Milwaukee County Research Park, Wauwatosa.

The applicant is now requesting authority to expand the zone to include a site (10 acres) located within the Grandview Industrial Park at 1333 N. Grandview Parkway, Sturtevant, some 15 miles south of Milwaukee. The site involves a public warehouse facility operated by Warren Industries (Warren), which provides storage, distribution, processing and packaging services for a variety of customers.

The proposed book assembly activity would involve children's touch-sound books, published by Publications International, Ltd. The books, printed elsewhere in the United States, would be sent to FTZ 41 where an electronic touch sound pad would be attached. The sound pad would be sourced from abroad. The finished product with sound device would be classified as a book (duty-free). Publications plans to

have Warren conduct the activity on its behalf at the proposed Sturtevant site.

Zone procedures would exempt Publications International from payment of Customs duties on foreign merchandise that is used in products made for export. On its domestic sales, zone procedures would allow the company to choose the duty-free rate that applies to books. The duty rate on the sound pads (classified as electrical machines and apparatus) is 3.9 percent.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 12, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 26, 1995.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 517 E. Wisconsin Avenue, Room 596, Milwaukee, Wisconsin 53202

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: April 5, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–8987 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Notice of Partial Termination of Administrative Review of Antidumping Duty Order; Certain Corrosion-Resistant Carbon Steel Flat Products From Australia, Certain Cold-Rolled Carbon Steel Flat Products From Germany, and Certain Corrosion-Resistant Carbon Steel Flat Products From Korea

In the matter of: (A–602–803)—Certain Corrosion-Resistant Carbon Steel Flat Products from Australia; (A–428–814)—Certain Cold-Rolled Carbon Steel Flat Products from Germany; and (A–580–816)—Certain Corrosion-Resistant Carbon Steel Flat Products from Korea.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of partial termination of antidumping duty administrative review.

SUMMARY: In response to requests from Australian National Industries Corporation Ltd. (''ANI'') of Australia; C.D. Wälzholz (''Wälzholz''), J.N. Eberle & Cie., GmBH (''Eberle''), and Röchling Kaltwalzwerk, KG (''Röchling'') of Germany; and Pohang Coated Steel Co., Ltd. (''PCS''), the Department of Commerce (''the Department'') initiated administrative reviews of these companies on September 8, 1994. The Department received timely requests for withdrawal on October 7 (from Wälzholz), November 3 (from ANI), November 16 (from PCS and Dongkuk), and December 7 (from Röchling). On December 13, 1994, Eberle requested the Department to extend the time limit for it to withdraw from the antidumping duty review. Based upon the consideration of the facts of this case, the Department concluded it would be reasonable to grant Eberle's request to withdraw at this point in the review process. Because there were no other requests for review of these companies from any other interested party, the Department is now terminating these reviews with respect to all of the companies listed above.

EFFECTIVE DATE: April 12, 1995.

FOR FURTHER INFORMATION CONTACT: Sally Gannon (ANI), Bruce Harsh (Eberle), Alain Letort (Wälzholz), Holly Vineyard (Röchling), or Lisa Yarbrough (PCS and Dongkuk); Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone (202) 482–3793.

SUPPLEMENTARY INFORMATION: On August 30, 1994, the Department received requests from Wälzholz, Eberle, and Röchling, for review of the antidumping duty orders on certain cold-rolled carbon steel flat products from Germany, and from PCS for certain corrosion-resistant carbon steel flat products from the Republic of Korea, to conduct administrative reviews of the antidumping duty orders pursuant to section 353.22(a)(2) of the Department's regulations (19 CFR 353.33(a)(2)). On August 31, 1994, the Department received a request from ANI to conduct an administrative review for certain corrosion-resistant carbon steel flat products from Australia pursuant to the same regulations mentioned before.

On September 8, 1994, the Department published in the Federal Register a Notice of Initiation for these reviews (59 FR 46391). Wälzholz (October 7, 1994), ANI (November 3, 1994), PCS (November 16, 1994), and Röchling (December 7, 1994) timely withdrew their requests for administrative reviews. These withdrawals were made within the time limits established in section 353.22(a)(5) of the Departments regulations and so the Department is terminating those reviews.

Further, according to 19 CFR 353.22(a)(5), the Department may extend the 90-day time limit, from the date of publication of notice of initiation, to withdraw a request for review if the Department determines it is reasonable to do so. In this case, Eberle requested that the Department allow it to withdraw from the review six days after the deadline. According to Eberle, the Department's extensive deficiency questionnaire was received and reviewed by the company officials in Germany after the 90-day time limit had expired. In making the request to withdraw, Eberle stressed that the cost and the amount of detailed information that would be required within a relatively short period were greater than the company had anticipated when it requested a review. Additionally, petitioners did not object to Eberle's request. Due to the circumstances of this case, the relative proximity of Eberle's request to the expiration deadline, and because this decision does not encourage manipulation of the review process in an attempt to achieve lower (or higher) margins, the Department has determined that it would be reasonable to grant the withdrawal at this time.

Therefore, in accordance with § 353.22(a)(5) of the Department's regulations, the Department will terminate these administrative reviews for ANI, Wälzholz, Röchling, Eberle, and PCS.

Because we are terminating these reviews, we shall instruct the Customs Service to liquidate entries for Wälzholz, Röchling, Eberle, and PCS at the cash deposit rate established during the original fair-value investigation. With regard to ANI, we will instruct Customs to return all cash deposits to ANI which Customs erroneously collected for merchandise exported by ANI that is specifically excluded from the order on corrosion-resistant steel flat products, *i.e.*, clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters or measures at least twice the thickness. (See 58 FR 44161, August 19, 1993.)

Furthermore, because PCS (as a related company to Pohang Iron and Steel Company, Ltd.) was previously

investigated, the cash deposit rate for PCS will continue to be the company-specific rate found for Pohang Iron and Steel Company in the original (for cold-rolled and corrosion-resistant flat products only). Because Wälzholz, Röchling, and Eberle were not previously investigated companies, the cash deposit rate will continue to be the ''all other rate'' assigned to their respective countries.

This notice is published in accordance with 19 CFR 353.22(a)(5).

Dated: April 5, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–8989 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–331–601]

Determination to Revoke Countervailing Duty Order; Cut Flowers From Ecuador

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of determination to revoke countervailing duty order.

SUMMARY: The Department of Commerce (the Department) is revoking the countervailing duty order on cut flowers from Ecuador because it is no longer of interest to interested parties.

EFFECTIVE DATE: April 12, 1995.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Stephanie Moore, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202)482–2786.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1994, the Department published in the Federal Register (59 FR 67700) its intent to revoke the countervailing duty order on cut flowers from Ecuador (52 FR 1361; January 13, 1987). Additionally, as required by 19 CFR 355.25(d)(4)(ii)(1994), the Department served, by certified mail, written notice of its intent to revoke this countervailing duty order on each party listed on its most current service list.

Scope of the Order

Imports covered by this order are shipments of Ecuadorian fresh cut miniature (spray) carnations, standard carnations, standard chrysanthemums, and pompon chrysanthemums. This merchandise is currently classified under item numbers 0603.10.30, 0603.10.70, and 0603.10.80 of the *Harmonized Tariff Schedule* (HTS). Daisies are excluded from the scope of the countervailing duty order. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Determination to Revoke

The Department may revoke a countervailing duty order if it concludes that the order is no longer of interest to interested parties. We conclude that there is no interest in a countervailing duty order when no interested party (as defined in §§ 355.2 (i)(3), (i)(4), (i)(5), and (i)(6) of the Department's regulations) has requested an administrative review for at least five consecutive review periods and when no domestic interested party objects to the revocation (19 CFR 355.25(d)(4)(iii)).

We received no requests for administrative review for the previous five consecutive review periods and no objections to our notice of intent to revoke the countervailing duty order. Therefore, we have concluded that the countervailing duty order covering cut flowers from Ecuador is no longer of interest to interested parties, and we are revoking this countervailing duty order in accordance with 19 CFR 355.25(d)(4)(iii).

Further, as required by 19 CFR 355.25(d)(5), the Department is terminating the suspension of liquidation on the subject merchandise as of the effective date of this notice, and will instruct the Customs Service to liquidate, without regard to countervailing duties, all unliquidated entries of this merchandise exported from Ecuador on or after January 1, 1994.

This notice is published in accordance with 19 CFR 355.25(d)(4)(iii).

Dated: April 5, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–8990 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DS–P

Export Trade Certificate of Review

ACTION: Notice of Application to Amend Certificate.

SUMMARY: The Office of Export Trading Company Affairs (OETCA) International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as ''Export Trade Certificate of Review, application number 92–4A001.

An original Certificate of Review was issued to Aerospace Industries Association of America, Inc. (''AIA'') on April 10, 1992 (57 FR 13707, April 17, 1992) and previously amended on September 8, 1992 (57 FR 41920, September 14, 1992), October 8, 1993 (58 FR 53711, October 18, 1993), and on November 17, 1994 (50 FR 60349, November 23, 1994). A summary of the application for amendment follows:

Summary of the Application

Applicant: Aerospace Industries Association of America, Inc. (''AIA''), 1250 Eye Street, NW., Washington, DC 20005, Contact: Mac S. Dunaway, Esquire, Telephone: (202) 862–9700

Application No.: 92–4A001

Date Deemed Submitted: March 28, 1995

Request For Amended Certificate

AIA seeks to amend its Certificate to:

1. Delete the following companies as ''Members'' of the Certificate: Aluminum Company of America, Cleveland, Ohio; Dynamic Engineering Inc., Newport News, Virginia; Reflectone, Inc., Tampa, Florida; and Vought Aircraft Company, Dallas, Texas.

2. Change the listing of the following current ''Members'' as follows: change the name of HEICO Corporation to HEICO Aerospace Corporation, Hollywood, California; DuPont Company to E.I. du Pont de Nemours and Company, Wilmington, Delaware; Williams International to Williams International Corporation, Walled Lake, Michigan.

Change the name and address of Aerojet, a Segment of GenCorp, Rancho Cordova, California to Aerojet-General Corporation, Sacramento, California; AlliedSignal Aerospace Company, Torrance, California to AlliedSignal, Inc., Morristown, New Jersey; Dowty Aerospace Los Angeles, Duarte, California to Dowty Decoto, Inc., Yakima, Washington; Lucas Aerospace, Inc., Brea, California to Lucas Industries Inc., Reston, Virginia.

Change the address of Hexcel Corporation from Dublin, California to Pleasanton, California; Digital Equipment Corporation from Marlboro, Massachusetts to Maynard, Massachusetts; ITT Defense and Electronics, Inc. from Arlington, Virginia to McLean, Virginia; and Rockwell International Corporation from El Segundo, California to Seal Beach, California.

Dated: April 6, 1995.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 95–8973 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–DR–P

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: North America Free Trade Agreement (NAFTA), NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the final dumping determination made by the Deputy Minister of National Revenue, Customs, Excise and Taxation, respecting Certain Hot-Rolled Carbon Steel Plate and High-Strength Low-Alloy Plate, Heat-Treated or not, Originating in or Exported from the United States of America, Secretariat File No. CDA–93–1904–04.

SUMMARY: Pursuant to the Memorandum Opinion and Order of the Binational Panel dated February 15, 1995, affirming the investigating authority's determination described above was completed on March 30, 1995.

FOR FURTHER INFORMATION CONTACT: James R. Hobein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: On February 15, 1995, the Binational Panel issued a decision which affirmed the dumping determination of the Deputy Minister of National Revenue, Customs, Excise and Taxation, respecting Certain Hot-Rolled Carbon Steel Plate and High-Strength Low-Alloy Plate, Heat-Treated or not, Originating in or Exported from the United States of America. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no Request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the Article 1904 Panel Rules, the Panel Review was completed and the panelists discharged from their duties effective March 30, 1995.

Dated: April 4, 1995.

Caraina L. Alston,

Deputy U.S. Secretary, NAFTA Secretariat.

[FR Doc. 95–9033 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–GT–M

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: North American Free Trade Agreement (NAFTA), NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the final injury determination made by the Canadian International Trade Tribunal, respecting Certain Solder Joint Pressure Pipe Fittings and Joint Drainage, Waste and Vent Pipe Fittings, made of Cast Copper Alloy, Wrought Copper Allow or Wrought Copper, Originating in or Exported from the United States of America, Secretariat File No. CDA–93–1904–11.

SUMMARY: Pursuant to the Memorandum Opinion and Order of the Binational Panel dated February 13, 1995, affirming the investigating authority's determination described above was completed on March 28, 1995.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 1061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: On February 13, 1995, the Binational Panel issued a decision which affirmed the injury determination of the Canadian International Trade Tribunal (''CITT'') concerning Certain Solder Joint Drainage, Waste and Vent Pipe Fittings, made of Cast Copper Alloy, Wrought Copper Alloy or Wrought Copper, Originating in or Exported from the United States of America. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no Request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the Article 1904 Panel Rules, the Panel Review was completed and the panelists discharged from their duties effective March 28, 1995.

Dated: April 4, 1995

Caratina L. Alston,

Deputy U.S. Secretary, NAFTA Secretariat.

[FR Doc. 95–9032 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–GT–M

National Institute of Standards and Technology

[Docket No. 950317077–5077–01]

RIN 0693–AB13

Proposed Revision of Federal Information Processing Standard (FIPS) 177, Initial Graphics Exchange Specification (IGES)

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; Request for comments.

SUMAMRY: NIST is prosing a revision of FIPS PUB 117, Initial Graphics Exchange Specification (IGES). IGES defines a neutral file format for the exchange of product model data and representation among differing computer-aided design and computer-aided manufacturing (CA/CAM) systems. This proposed revision will provided increased clarification and enhancement of the existing standard, and added conformance requirements and application protocols (APs) specified within the American National Standard Digital Representation for

Communication of Product Definition Data, ANSI/US PRO/IPO (United States Product Data Association/IGES PDES Organization—100–1993, Version 5.2.

Prior to the submission of this proposed revision to FIPS 177 to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

This proposed revision contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section. Only the announcement section of the standard is provided in this notice. Interested parties may obtain copies of the ANSI/US PRO/IPO–1993 and the specified application protocols (Layered Electrical Product (LEP) Application Protocol; 3–D Piping Application Protocol; and Engineering Drawing (Class II) Subset (MIL–D–28000A)) from the National Computer Graphics Association, 2722 Merrilee Drive, Suite 200, Fairfax, VA, 22031, telephone: (703) 698–9600.

DATES: Comments on this proposed revision must be received on or before July 11, 1995.

ADDRESSES: Written comments concerning the adoption of this proposed revision should be sent to: Director, Computer Systems Laboratory, ATTN: Proposed Revision of FIPS 177, IGES, Technology Building, Room B154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ms. Lynne Rosenthal, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975–3353.

Executive Order 12866

This FIPS notice has been determined to be ''not significant'' for purposes of E.O. 12866.

Dated: April 4, 1995.

Samuel Kramer,

Associate Director.

Proposed Federal Information Processing Standards Publication 177–1

(Date)

Announcing the Standard for Initial Graphics Exchange Specification (IGES)

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. Name of Standard. Initial Graphics Exchange Specification (IGES) FIPS PUB 177–1).

2. Category of Standard. Software Standard; Graphics and Information Interchange.

3. Explanation. This publication is a revision of the FIPS PUB 177 and supersedes FIPS PUB 177 in its entirety. It provides a substantial, upward-compatible enhancement of IGES Version 4.0. FIPS PUB 177–1 specifies new conformance requirements, the addition and use of application protocols (APs), and increased enhancement, correction, and clarification of the existing specification. It does not contain any new requirements that would make an existing conforming implementation nonconforming.

FIPS PUB 177–1 adopts the American National Standard Digital Representation for Communication of Product Definition Data, ANSI/US PRO/IPO (United States Product Data Association/IGES PDES Organization)–100–1993, Version 5.2, and the specified application protocols. FIPS PUB 177–1 addresses IGES implementation and data file acquisition, interpretation, and conformance.

The purpose of the FIPS for IGES is to enable the compatible exchange of product definition data used by dissimilar computer-aided design and computer-aided manufacturing (CAD/CAM) systems. Utilizing a neutral database format the IGES processor can create or translate two-dimensional (2–D) or three-dimensional (3–D) vector-based digital product model data. The standard specifies file structure and syntactical definition, and defines the representation of geometric, topological, and nongeometric product definition data. The exact specification is in Section 10 of this standard.

4. Approving Authority. Secretary of Commerce.

5. Maintenance Agency. U.S. Department of Commerce, National Institute of Standards and Technology (NIST), Computer Systems Laboratory (CSL).

6. Cross Index.

a. American National Standard Digital Representation for Communication of Product Definition Data, ANSI/US PRO/IPO–100–1993, Version 5.2.

b. American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) Y14.26M–1989, Digital Representation for Communication of Product Definition Data, IGES Version 4.0.

c. MIL–D–280000A, Continuous Acquisition and Life-Cycle Support Specification, Digital Representation for Communication of Product Definition Data: IGES Application Subsets and IGES Application Protocols, February 10, 1992.

d. American national Standard, 3–D Piping IGES Application Protocol, ANSI/US PRO/IPO–110–1994.

e. IGES Layered Electrical Product Application Protocol, Committee Draft SAND94–2375, December 1, 1994.

7. Related Documents.

a. Federal Information Resources Management Regulations (FIRMR) subpart 201.20.303, Standards, and subpart 201.39.1002, Federal Standards.

b. Federal ADP and Telecommunications Standards Index, U.S. General Services Administration, Information Technology Management Service, October 1994 (updated periodically).

c. FIPS PUB 29–3, Interpretation Procedures for Federal Information Processing Standards for Software.

d. NISTIR 4379, IGES Technical Illustrations Application Guide.

e. NISTIR 4600, IGES 5.0 Recommended Practices Guide.

f. NISTIR 5541, Initial Graphics Exchange Specification (IGES): Procedures for the NIST IGES Validation Test Service.

g. MIL–T–31000, General Specification for Technical Data Packages.

8. Objectives. Federal standards for electronic interchange permit Federal departments and agencies to exercise more effective control over the production, management, and use of the government's information resources. The primary objectives specific to IGES are to:

—Reduce the overall life-cycle cost for digital systems by establishing a

common exchange format that allows for the transfer of product definition data across organizational boundaries and independent of any particular CAD/CAM system.
—Exchange digital representations of product definition data in various forms: illustrations, 2–D drawings, 3–D edge-vertex models, surface models, solid models, and complete product models.
—Provide CAD/CAM implementation manufacturers with a guideline for identifying useful combinations of product definition data capabilities in any CAD/CAM system.
—Specify Application Protocols that can be used by Federal departments and agencies to support the exchange of product data when applicable.

9. Applicability.

9.1 This FIPS for IGES is intended for the computer-interpretable representation and exchange of CAD/CAM product definition data among applications and programs that are either developed or acquired for government use. Each CAD/CAM system acquired or developed by a Federal agency shall include an IGES preprocessor and IGES postprocessor capability. FIPS for IGES is designed to support the exchange of 2–D or 3–D product definition data with rich attribute information. It provides a data format for describing product design and manufacturing information that has been created and stored in a computer-readable, device independent form.

9.2 The FIPS for IGES shall be used when one or more of the following situations exist:
—The product definition application or program is under constant review, and changes may result frequently.
—It is anticipated that the life of the data files will be longer than the life of the presently utilized CAD/CAM system.
—The application is being designed centrally for a decentralized system that may employ computers of different makes and models and different CAD/CAM devices.
—The product definition application may run on equipment other than that on which it was developed.
—The product definition data is to be used and maintained by other than the original designer.
—The product definition data is or is likely to be used by organizations outside the Federal Government.
—It is desired to have the design understood by multiple people, groups, or organizations.

9.3 For layered electrical product technology, three dimensional piping, and engineering drawing applications, the use of the appropriate application protocol or subset (as described below) is required for implementation of this FIPS IGES.

An AP or subset provides a means to improve the fidelity of the product data exchanged. APs are developed by domain experts for the purpose of defining the processes, information flows, and functional requirements of an application. An AP defines the scope, context, information requirements, representation of the application information, and conformance requirements. Initial release of this FIPS for IGES publication includes two application protocols and one application subset.
—Layered Electrical Product (LEP) Application Protocol: The LEP AP is used for the transference of 2–D electrical and electro-mechanical product models. This AP is required for layered electrical products technology applications, including specification control drawings, circuitry, fabrication and final assembly of a layered product system.
—3–D Piping Application Protocol: The 3–D Piping AP is used for the exchange of models from one piping modeling application to another. This AP is required for 3–D piping and related equipment models, including the fabrication and assembly of piping systems (e.g. pipe, pipe fittings, attached equipment, piping supports, and insulation).
—Engineering Drawing (Class II) Subset (MIL–D–28000A): The Class II subset is used for exchange of the drawing model; including geometric and annotation entities, attributes such as color and line fonts, and organization information such as levels and subfigures. This subset is required for the exchange of engineering drawings and product data following MIL–T–31000 (General Specification for Technical Data Packages).

10. Specifications. This FIPS adopts ANSI/US PRO/IPO–100–1993 and the specified application protocols: Layered Electrical Product (LEP) Application Protocol; 3-D Piping Application Protocol; and Engineering Drawing (Class II) Subset (MIL–D–28000A). The ANSI/US PRO/IPO–100–1993 standard for IGES, defines the communications file structure and format (i.e., a file of entities), language format, and the representation of product definition data.

New entities and constructs are added with each revision and are upwardly compatible. Thus, a processor conforming to IGES Version 5.2 would be able to read and process an IGES Version 4.0 file, but the converse may not be true. The capabilities brought to the IGES user implementing the IGES Version 5.2 standard are:
—A new character set for the European Community;
—Additional properties to the attribute table for Architecture/Engineering/Construction (AEC);
—The addition of a new form of the drawing entity; and
—The addition of a new class of entity use, termed construction information.

Conformance Requirements. Conformance is mandatory for this standard and is applicable to all Federal department and agency procurements. Conforming data files and processors must adhere to all the rules appropriate to specific features, such as entities, defined within ANSI/US PRO/IPO–100–1993 and any of the specified application protocols. Vendors of processors claiming conformance to this standard shall complete documentation which accurately indicates the processor's support of, and mapping between, native and IGES entities.

A conforming preprocessor shall create conforming IGES data files which represent the native database which was input to the preprocessor. File content shall represent the native entities according to the vendor's completed documentation. It is desirable and recommended that the preprocessor report on any native feature or entity which has not been written to the IGES data file.

A conforming postprocessor shall translate conforming IGES data files into the native database form of a specific CAD/CAM system. It shall convert each supported entity into native constructs, which preserve the functionality and match the geometry, attributes, and relationships of the IGES entity in the file. It is desirable and recommended that the postprocessor report on any IGES entities or features which have been discarded.

Any visual presentation produced by the processor shall accurately and correctly represent the IGES constructs contained in the data file and specified by ANSI/US PRO/IPO–100–1993 and, if applicable, the AP or subset. For example, the display of a design which is filled with a pattern of lines as indicated by the pattern code of the Sectioned Area Entity (type 230) shall resemble the predefined definitions illustrated in the ANSI/US PRO/IPO–100–1993 specification.

Conformance Rules for Application Protocols and Subsets. An application protocol or subset which claims

conformance to this standard, must satisfy the following rule:

—An implementation conforming to an AP shall satisfy the conformance requirements specified in the AP as well as the conformance requirements in the ANSI/US PRO/IPO–100–1993 specification.

11. Implementation. The implementation of this standard involves four areas of consideration: effective date, acquisition, interpretation, and validation.

11.1 Effective Date. This publication is effective six (6) months after date of publication upon final announcement in the Federal Register. A transition period of twelve (12) months, beginning on the effective date, allows industry to produce IGES implementations and data files conforming to this is standard. Agencies are encouraged to use this standard for solicitation proposals during the transition period. This standard is mandatory for use in all solicitation proposals for IGES data files and implementations (i.e., computer-aided design and manufacturing systems) acquired twelve (12) months after the effective date.

11.2 Acquisition of IGES Implementations and Data Files. Conformance to this standard should be considered whether the CAD/CAM systems are developed internally, acquired as part of a system procurement, acquired by separate procurement, used under a leasing agreement, or specified for use in contracts for programming services. Recommended terminology for procurement of FIPS IGES is contained in the U.S. General Services Administration publication Federal ADP and Telecommunications Standards Index, Chapter 5, Part 1.

11.3 Interpretation FIPS IGES. Resolutions of questions regarding this standard will be provided by NIST. Procedures for interpretations are specified in FIPS PUB 29–3. All questions concerning the specifications and content should be addressed to: Director, Computer Systems Laboratory, ATTN: FIPS IGES Interpretation, National Institute of Standards and Technology, Gaithersburg, MD 20899.

11.4 Validation of IGES Implementations. Implementations of FIPS for IGES shall be validated in accordance with the NIST Computer Systems Laboratory (CSL) validation procedures for FIPS for IGES, NISTIR 5541, Procedures for the NIST IGES Validation Test Service. Recommended procurement terminology for validation of FIPS for IGES is contained in the U.S. General Services Administration publication Federal ADP and Telecommunications Standards Index, Chapter 5, Part 2. This GSA publication provides terminology for three validation options: Delayed Validation, Prior Validation Testing, and Prior Validation. The agency shall select the appropriate validation option and shall specify appropriate time frames for validation and correction of nonconformities. The agency is advised to refer to the NIST publication Validated Products List for information about the validation status of IGES products. This information may be used to specify validation time frames that are not unduly restrictive of competition.

Implementations shall be evaluated using the NIST IGES Test Suite. The NIST IGES Test Suite was first released in October 1994 to assist users and vendors determine compliance with FIPS PUB 177 and/or MIL–D–28000, Class II subset. The results of validation testing by the NIST IGES Validation Test Service are published on a quarterly basis in the Validated Products List, available from the National Technical Information Service (NTIS).

Current information about the NIST IGES Validation Test Service and validation procedures for FIPS for IGES is available from: National Institute of Standards and Technology, Computer Systems Laboratory, Graphics Software Group, IGES Test Service, Building 225, Room A266, Gaithersburg, MD 20899, (301) 975–3265.

12. Waivers.

Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, Room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

[FR Doc. 95–9007 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

Notice of Solicitation for Sea Grant Review Panelists

SUMMARY: This notice responds to Section 209(c) of the National Sea Grant College Program Act, 33 U.S.C. 1128, which requires the Secretary of Commerce to solicit nominations for membership on the Sea Grant Review Panel at least once a year. This advisory committee provides advice on the implementation of the National Sea Grant College Program.

DATES: Resumes should be sent to the address specified and must be received by May 12, 1995.

ADDRESSES: Dr. Chandrakant Bhumralkar, Acting Director, National Sea Grant College Program, 1315 East-West Highway, Room 11618, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Chandrakant Bhumralkar of the National Sea Grant College Program at the address given above; telephone (301) 713–2448, or fax number (301) 713–0799.

SUPPLEMENTARY INFORMATION: Section 209 of the Act establishes a sea grant review panel to advise the Secretary of Commerce, the Under Secretary for Oceans and Atmosphere, and the Director of the National Sea Grant College Program on the implementation of the Sea Grant Program. The panel provides advice on such matters as:

(a) The Sea Grant Fellowship Program;

(b) Applications or proposals for, and performance under, grants and contracts awarded under section 205 and section 208 of the Sea Grant Program Improvement Act of 1976;

(c) The designation and operation of sea grant colleges and sea grant regional consortia; and the operation of the sea grant program;

(d) The formulation and application of the planning guidelines and priorities under section 204 (a) and (c)(1); and,

(e) Such other matters as the Secretary refers to the panel for review and advice.

The Panel is to consist of 15 voting members composed as follows: Not less than eight of the voting members of the panel should be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, extension services, state government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, utilization, or conservation of ocean and coastal resources. No individual is eligible to be a voting member of the panel if the individual is (a) the director of a sea grant college, sea grant regional consortium, or sea grant program, (b) an applicant for or beneficiary (as determined by the Secretary) of, any grant or contract under Section 205, or (c) a full-time officer or employee of the United States.

The Director of the National Sea Grant College Program and one Director of a Sea Grant Program also serve as non-voting members. The positions on the panel will become vacant during 1995. Candidates who are selected to fill these vacancies will be appointed for a 3-year term.

Dated: April 5, 1995.

Ned A. Ostenso,

Assistant Administrator for Oceanic and Atmospheric Research.

[FR Doc. 95–8994 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–12–P

Notice of Sea Grant Review Panel Meeting

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Panel members will provide and discuss follow-up reports of business transacted at the last Sea Grant Review Panel meeting in the areas of management and organization, budget status, strategic and tactical issues, law and policy, new technology and research, economic development, outreach for enhancement of Department of Commerce goals, and new business.

DATES: The announced meeting is scheduled during 3 days: Thursday, June 1, Noon to 3:30 p.m. and 5 p.m. to 7 p.m.; Friday, June 2, 8 a.m. to 5 p.m.; and Saturday, June 3, 8 a.m. to 3 p.m.

ADDRESSES: Candelero Hotel, Humacao, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Dr. Chandrakant Bhumralkar, Acting Director, National Sea Grant College Program, National Oceanic & Atmospheric Administration, 1315 East-West Highway, Room 11618, Silver Spring, Maryland 20910, (301) 713–2448.

SUPPLEMENTARY INFORMATION: The Panel, which consists of balanced representation from academia, industry, state government, and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Public Law 94–461, 33 U.S.C. 1128) and advises the Secretary of Commerce, the Under Secretary for Oceans and Atmosphere, also the Administrator of NOAA, and the Director of the National Sea Grant College Program with respect to operations under the act, and such other matters as the Secretary refers to the Panel for review and advice. The agenda for the meeting is:

Thursday, June 1, 1995

Noon to 3:30 p.m.

Introduction of new members
Reauthorization, hearings, appropriations
Strategic Plan and Sea Grant's Future

5–7 p.m.

Sea Grant Management Position Papers
Reports from Thematic Group Meetings

Friday, June 2, 1995

8 to 10:30 a.m.

Perspectives on Sea Grant/NOAA Interactions
National Office/Management Issues
Council of Sea Grant Directors

12–5 p.m.

Industrial Fellows Program
Business/Industry Issues
Caribbean Coastal and Marine Issues

Saturday, June 3, 1995

8–3 p.m.

Report on Perspective Groups
Recertification Reports
Multiple Entities Issues

The meeting will be open to the public.

Dated: April 5, 1995.

Ned A. Ostenso,

Assistant Administrator for Oceanic and Atmospheric Research.

[FR Doc. 95–8995 Filed 4–11–95; 8:45 am]

BILLING CODE 3510–12–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps*NCCC's Proposal for an Information Collection Form

AGENCY: Corporation for National and Community Service.

ACTION: Information collection request submitted to the Federal Office of Management and Budget (FOMB) for review.

SUMMARY: This notice provides information about an information collection proposal by AmeriCorps*National Civilian Community Corps (NCCC), currently under review by the Office of Management and Budget (OMB).

DATES: OMB and AmeriCorps*NCCC will consider comments on the proposed collection of information and recordkeeping requirements received before May 12, 1995. Copies of the proposed forms and supporting documents may be obtained by contacting AmeriCorps*NCCC.

ADDRESSES: Send comments to both—Dan Chenok, Desk Officer, Office of Management and Budget, 3002 New Executive Office Building, Washington, DC 20503. Donald L. Scott, Director, AmeriCorps*NCCC, 1201 New York Avenue, NW., Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Kate Becker (202) 606–5000 x 149, Corporation for National Service, AmeriCorps*NCCC, 1201 New York Avenue, NW., Washington, DC 20525.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests.

Office of Action Issuing Proposal: AmeriCorps*NCCC.
Title of Forms: Applicant Medical Prescreening Form.
Need and Use: This information is used for program management, planning, and required recordkeeping.
Type of Request: Submission of new collection.
Respondent's Obligation to Reply: Required to receive benefits.
Frequency of Collection: One time per selected applicant.
Estimated Number of Response: 2,000.
Average Burden Hours Per Response: .5 hours (reporting and recordkeeping).
Estimated Annual Reporting or Disclosure Burden: 500 hours.
Regulatory Authority: The National and Community Service Act of 1990, as amended.

Dated: March 30, 1995.

Donald L. Scott,

*Vice President, Corporation for National Service and Director, AmeriCorps*National Civilian Community Corps.*

[FR Doc. 95–9021 Filed 4–11–95; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF DEFENSE

Department of the Army

Office of the Secretary of the Army; Notice of Intent to Prepare a Supplemental Environmental Impact Analyses for Disposal and Reuse of Fort Ord

AGENCY: Department of the Army, DOD.

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) for the disposal and reuse of Fort Ord, California, to cover the additional lands to be made available for disposal as a result of downsizing the Presidio of Monterey (POM) Annex and changes in intended reuse identified in the December 12, 1994, Fort Ord Reuse Authority (FORA) Reuse Plan.

SUMMARY: The action evaluated in the SEIS is the disposal and reuse of Fort Ord, California, in accordance with the legislative requirements of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510. The SEIS will cover additional lands to be made available for disposal as a result of downsizing the POM Annex located on the former Fort Ord. Because the opportunity for supplementation has arisen, the environmental effects of changes in land uses between Fort Ord Reuse Group's (FORG's) draft reuse plan of October 1993 and FORA's approved reuse plan of December 1994 that have not been adequately addressed in previous National Environmental Policy Act documentation will also be considered.

ALTERNATIVES: Alternatives to the POM Annex and a no-POM Annex alternative were addressed in the Final EIS. This EIS addressed a range of alternative future land uses. These alternatives will be supplemented with information on the new smaller POM Annex and final Reuse Plan of the Fort Ord Reuse Authority.

PUBLIC INVOLVEMENT: The public will be invited to participate in the scoping process, review of the draft SEIS and a public meeting. The location and time of the scoping meeting to be scheduled during April 1995 will be announced in the local news media. The release dates of the draft SEIS for public comment and the public meeting will also be announced in the local news media, as the dates are established.

POINT OF CONTACT: Mr. Bob Verkade, Scaramento District, U.S. Army Corps of Engineers, (916) 557–7423.

Dated: April 6, 1995.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (IL&E).

[FR Doc. 95–9010 Filed 4–11–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).
Date of Meeting: 24 and 25 April 1995.
Time of Meeting: 1300–1600, 24 April 1995; 0800–1600, 25 April 1995.
Place: Ft. Leavenworth, Kansas—McNair Hall (Bldg. 286).
Agenda: The Army Science Board (ASB) Analysis, Test and Evaluation Issue Group will meet to assess the impact of personnel reductions on mission accomplishment within the Army analytical community. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–9051 Filed 4–11–95; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.041]

Impact Aid

AGENCY: Department of Education.

ACTION: Notice extending the application deadline date for Impact Aid fiscal year 1995 section 8002 grants and fiscal year 1996 section 8003 grants.

SUMMARY: The Secretary extends the deadline date for the submission of applications for Impact Aid fiscal year 1995 section 8002 grants and fiscal year 1996 section 8003 grants to May 8, 1995. Impact Aid regulations at 34 CFR § 222.10 specify that the annual application deadline is January 31 of the fiscal year for which assistance is being sought. Because the Impact Aid statute was reauthorized on October 20, 1994, as part of the Improving America's Schools Act of 1994, new application forms for those grants had to be developed and approved. Now that the approval process is complete and new applications are available, an extension is being granted to potential applicants under sections 8002 and 8003 for Impact Aid assistance for the respective years specified. Section 8003 applicants should use a survey date for their student counts that is at least three days after the start of the 1994–95 school year and before the extended deadline of May 8, 1995.

The deadline date for the transmittal of comments by State Educational agencies is May 23, 1995. The Secretary will also accept and approve for payment any otherwise approvable application that is received on or before the sixtieth day after May 8, 1995. However, any applicant meeting the conditions of the preceding sentence will have its payment reduced by 10 percent of the amount it would have received had its application been filed by May 8, 1995.

FOR APPLICATIONS OR INFORMATION CONTACT: Impact Aid Program, U.S. Department of Education, 600 Independence Avenue SW., Room 4200 Portals, Washington, DC 20202–6244. Telephone: (202) 260–3907. Individuals

who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 7705.

Dated: April 5, 1995.

Thomas W. Payzant,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 95–8927 Filed 4–11–95; 8:45 am]

BILLING CODE 4000–01–M

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics.

ACTION: Teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES AND TIME: May 4, 1995 at 10:00 a.m..

ADDRESSES: 555 New Jersey Avenue, N.W., Room 400F, Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT: Barbara Marenus, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, D.C. 20208–7575, telephone: (202) 219–1839.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics (ACES) is established under Section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement and is responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. The meeting of the Council is open to the public.

The proposed agenda includes the following:

- A discussion of draft NCES guidelines on standards-based reporting.
- Agenda planning for the next ACES Meeting.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW, Room 400J, Washington, D.C. 20208–7575.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 95–8948 Filed 4–11–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Record of Decision; Defense Waste Processing Facility at the Savannah River Site, Aiken, SC

AGENCY: Department of Energy, DOE.

ACTION: Record of Decision, Defense Waste Processing Facility at the Savannah River Site (SRS), Aiken, South Carolina.

SUMMARY: The U.S. Department of Energy (DOE) is publishing a Record of Decision for the Defense Waste Processing Facility (DWPF). DOE has prepared and issued a Final Supplemental Environmental Impact Statement (EIS) (DOE/EIS–0082–S, November 25, 1994) to assess the potential environmental impacts of completing construction and operating the DWPF, a group of associated facilities and structures, to pretreat, immobilize, and store high-level radioactive waste at the Savannah River Site (SRS). On the basis of the analysis of impacts in the Supplemental EIS, monetary costs, and regulatory commitments, DOE has decided to complete construction and startup testing, and begin operation of DWPF. The facility will be completed and operated as designed, which includes modifications to the conceptual design originally proposed and evaluated in the EIS prepared for the DWPF in 1982 (DOE/EIS–0082). DOE also will implement additional safety modifications to DWPF that will substantially reduce or eliminate potential accidental releases of radioactive material and chemicals in the unlikely event of a severe earthquake. Independent readiness reviews of DWPF facilities will be conducted, and any potential concerns raised in these reviews will be resolved before DOE proceeds with radioactive operations.

High-level radioactive waste at SRS, the result of nuclear materials production, has been stored in large underground tanks at SRS since 1954. This waste now amounts to approximately 129 million liters (34 million gallons) and exists as sludge, soluble salts dissolved in water (supernatant), and crystallized saltcake formed from evaporation of the supernatant. DWPF includes facilities to pre-treat the salt (supernatant and saltcake) and sludge components using existing high-level waste tanks. Pre-treatment of the salt component will involve chemical precipitation in a high-level waste tank followed by filtration for separation of highly radioactive constituents (cesium, strontium, and plutonium) from the salt solution, yielding two output streams: a highly radioactive precipitate slurry and a low radioactivity salt solution. Pre-treatment of the highly radioactive sludge will involve washing it with a sodium hydroxide solution in selected high-level waste tanks to remove aluminum hydroxide and other soluble salts. The highly radioactive constituents in the precipitate slurry and the pre-treated sludge will be immobilized at DWPF by incorporating them in borosilicate glass in a process called vitrification. The highly radioactive vitrified waste will be sealed in stainless steel canisters and stored in vaults at DWPF until a permanent geologic repository becomes available. The low radioactivity salt solution resulting from salt and sludge pre-treatment will be immobilized in the Saltstone Manufacturing Plant (one of the DWPF facilities) by being blended with cement, slag, and flyash, which will harden into a concrete-like material called saltstone. Saltstone will be permanently disposed of in large vaults located near DWPF.

Storage of high-level radioactive waste in tanks presents continued long-term risk from releases to the environment, both from normal operations and potential accidents. Completion and operation of DWPF will provide DOE with facilities to immobilize high-level waste at SRS in a form that will significantly reduce potential long-term hazards to human health and the environment.

FOR FURTHER INFORMATION CONTACT: For further information on DWPF or to receive a copy of the Final Supplemental EIS contact: SR NEPA Compliance Officer, U.S. Department of Energy, Savannah River Operations Office, P.O. Box 5031, Aiken, South Carolina 29804–5031, (800) 242–8269. For further information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–

4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

I. Background

DOE prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing National Environmental Policy Act (NEPA) (40 CFR Parts 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR Part 1021). This Record of Decision is based on DOE's Final Supplemental Environmental Impact Statement (EIS) for the Defense Waste Processing Facility, SRS, Aiken, South Carolina (DOE/EIS–0082–S).

DOE's SRS occupies approximately 800 square kilometers (300 square miles) adjacent to the Savannah River, principally in Aiken and Barnwell counties of South Carolina, about 40 kilometers (25 miles) southeast of Augusta, Georgia, and about 32 kilometers (20 miles) south of Aiken, South Carolina. When established in the early 1950s, SRS's primary mission was to produce nuclear materials to support the defense, research, and medical programs of the United States. SRS's present mission emphasizes waste management, environmental restoration, and decontamination and decommissioning of facilities that are no longer needed.

The process used in the past to recover uranium and plutonium from production reactor fuel and target assemblies in SRS's two chemical separations areas resulted in high-level radioactive waste. This waste, which now amounts to approximately 129 million liters (34 million gallons), is stored in underground tanks at the F- and H-Area Tank Farms. After introduction into the tanks as a liquid, the high-level waste separates into a sludge layer at the bottom of the tanks and an upper layer of salts dissolved in water (supernatant). Evaporation of the supernatant in the tank farms using evaporators has produced a third waste form in the tanks, crystallized saltcake.

In 1979 and 1980, DOE prepared an EIS (DOE/EIS–0023; 44 FR 88320, December 3, 1979) and issued a Record of Decision (45 FR 9763, February 13, 1980) to continue a research and development program to develop technology for removing these wastes from the tanks and immobilizing the highly radioactive constituents in a form suitable for disposal. In its Record of Decision, DOE indicated that immobilization was the process most likely to ensure that the waste would remain contained in a form that would pose the least threat to human health or the environment.

In 1982, DOE published an EIS (DOE/EIS–0082; 47 FR 10901, March 12, 1982) evaluating a proposal to design, construct, and operate the DWPF to immobilize SRS high-level waste in a form suitable for safe storage, transport, and ultimate disposal at a permanent geologic repository. A Record of Decision to construct and operate DWPF was issued on June 1, 1982 (47 FR 23801). Subsequently, after completing an Environmental Assessment (DOE/EA–0179; 47 FR 32778, July 29, 1982), DOE selected borosilicate glass as the medium of choice for stabilization of high-level waste at DWPF.

The DWPF is now mostly constructed, and the major high-level waste pre-treatment processes and the vitrification process are nearly ready to operate. However, DOE has made design changes to the DWPF process since the 1982 EIS to improve efficiency and safety of the facility. Among these changes are modifications to processes for pre-treatment of the salt (i.e., supernatant and saltcake) and sludge components of the high-level waste before vitrification, and modifications in methods used for onsite disposal of the immobilized low radioactivity waste fraction (saltstone) resulting from salt pre-treatment. The potential environmental impacts of these modifications had been considered individually, but not cumulatively, in prior NEPA documentation.

In view of these considerations, DOE determined that a focused EIS-level review of the environmental impacts of the DWPF as now envisioned was timely and appropriate. Thus, on April 6, 1994, DOE published in the Federal Register a Notice of Intent (59 FR 16499) to prepare a Supplemental EIS for the operation of the DWPF. This notice initiated a formal scoping period that extended through May 31, 1994.

DOE held three informal public workshops early in the scoping period in North Augusta, South Carolina; Savannah, Georgia; and Columbia, South Carolina on April 12, 19, and 21, 1994, respectively, to provide the public with information on the DWPF. Interested parties were invited to submit comments for consideration in the preparation of the Supplemental EIS. DOE also established a toll-free telephone line allowing interested parties to submit comments by voice or facsimile. Comments were also submitted by mail and at formal public scoping meetings held in Savannah, Georgia, and North Augusta and Columbia, South Carolina, on May 12, 17, and 19, 1994, respectively.

On August 26, 1994, DOE and the U.S. Environmental Protection Agency (EPA) published Notices of Availability of DOE's Draft Supplemental EIS in the Federal Register (59 FR 44137 and 59 FR 44143, respectively). EPA's notice officially started the public comment period on the Draft Supplemental EIS, which extended through October 11, 1994. Comments were received by letter, telephone (voice mail), and formal statements made at 10 public hearing sessions. The hearings, which included the opportunity for informal discussions with DOE personnel involved with DWPF, were held in Aiken, South Carolina on September 13, 1994 (2 sessions); Hilton Head, South Carolina on September 14, 1994; Beaufort and Hardeeville, South Carolina, and Savannah, Georgia (first session) on September 15; Savannah, Georgia (second session) on September 16; and Allendale, Barnwell, and Columbia, South Carolina on September 20, 1994.

DOE considered the comments it received from agencies, organizations, and individuals on the Draft Supplemental EIS in preparing the Final Supplemental EIS. On November 18, 1994, DOE announced its completion of the Final Supplemental EIS, and EPA published a Notice of Availability of the document in the Federal Register on November 25, 1994 (59 FR 60630), following distribution of approximately 300 copies to government officials and interested groups and individuals.

II. Alternatives

In the Final Supplemental EIS, DOE examined two major alternatives for treating waste at DWPF, and a no-action alternative. These alternatives are described below.

A. Proposed Action

Under this alternative, DOE would complete construction and begin operation of the DWPF as currently designed to immobilize SRS high-level radioactive waste. DOE would continue DWPF process and facility modifications that are underway, complete startup testing activities, and operate the facility upon completion of testing. DOE also would implement safety modifications to substantially reduce or eliminate the probability and consequences of accidental releases of radioactive materials and chemicals in the unlikely event of a severe earthquake. These modifications, which would be implemented before the facility is operated with radioactive waste, address three types of systems: process vessel ventilation systems, building ventilation systems, and systems to prevent or reduce releases of

hazardous chemicals. These upgrades could be achieved through additional barriers and within the basic design of the existing facility. The upgrades would ensure that radioactive and hazardous materials would be confined during and following postulated accidents to provide a level of safety to facility workers and the public that is within SRS standards.

Based on operating plans and projected funding used in the SEIS analysis, high-level waste processing would be completed in about 24 years. As analyzed in the SEIS, DWPF includes pre-treatment processes, the Vitrification Facility and associated support facilities and structures, and Saltstone Manufacturing and Disposal, as described below.

Pre-Treatment Processes and Facilities

- Extended Sludge Processing—a washing process that would be carried out in selected H-Area high-level radioactive waste tanks, to remove aluminum hydroxide and soluble salts from the high-level waste sludge. Sludge would be processed in the DWPF, and the wash water would be directed to the Evaporator Feed Tanks. These facilities are built and the sludge washing process is being tested.
- In-Tank Precipitation (ITP)—a process that would be carried out in selected H-Area high-level radioactive waste tanks and associated new facilities to remove dissolved radioactive constituents (strontium, cesium, and plutonium) from the highly radioactive salt solution by chemical precipitation and filtration. The precipitate would be sent to Late Wash, which is now under construction; the remaining low radioactivity salt solution would be sent to Saltstone Manufacturing and Disposal. These facilities are constructed, and testing is nearly complete.
- Late Wash—a process to concentrate residual radioactive constituents and wash the highly radioactive precipitate resulting from ITP to remove a chemical (sodium nitrite) that could potentially interfere with operations in the Vitrification Facility. This facility is being constructed.

Vitrification Facility and Associated Support Facilities and Structures

- Vitrification Facility—a large building that contains processing equipment to immobilize the highly radioactive sludge and precipitate portions of the high-level waste in borosilicate glass. The sludge and precipitate would be treated chemically, mixed with frit (finely ground glass), melted, and poured into stainless steel canisters that would then be welded shut. The facility is presently constructed and undergoing startup testing.
- Glass Waste Storage Buildings—buildings for storage of the radioactive glass waste canisters in highly shielded and ventilated vaults located below ground level. One building is completed; another building is in the planning stage and would be built as part of the proposed action.
- Chemical Waste Treatment Facility—an industrial waste treatment facility that neutralizes nonradioactive wastewater from bulk chemical storage areas and nonradioactive process areas of the Vitrification Facility. This facility is constructed and in operation.
- Failed Equipment Storage Vaults—shielded concrete vaults that would be used for storage of failed process equipment that is too radioactive to allow onsite disposal. These vaults would be used until permanent disposal facilities can be developed. Two vaults are nearly constructed; four more vaults are planned for the near future. DOE estimates that a total of approximately 14 vaults would be needed to accommodate waste generated during the 24-year Vitrification Facility operating period as analyzed in the SEIS.
- Organic Waste Storage Tank—A 568,000-liter (150,000-gallon) capacity aboveground tank that stores a flammable liquid organic waste consisting primarily of benzene, a byproduct of processing precipitate prior to vitrification. During radioactive operations, this waste would contain small amounts of radioactivity, primarily cesium. The tank is constructed and currently stores nonradioactive liquid organic waste generated during nonradioactive chemical testing of the Vitrification Facility.

Saltstone Manufacturing and Disposal

- Saltstone Manufacturing Plant—a processing plant that would blend the low radioactivity salt solution with cement, slag, and flyash to create a mixture that hardens into a concrete-like material called saltstone. The plant is in operation to treat liquid waste residuals from the F- and H-Area Effluent Treatment Facility, an existing wastewater treatment facility that serves the F- and H-Area Tank Farms. The plant is ready for treatment of low radioactivity salt solution produced by ITP.
- Saltstone Disposal Vaults—large concrete disposal vaults into which the mixture of salt solution, flyash, slag, and cement that is prepared at the Saltstone Manufacturing Plant is pumped. After cells in the vault are filled, they are sealed with concrete. The vaults would then be covered with soil, and an engineered cap constructed of clay and other materials would be installed over the vaults to reduce infiltration by rainwater and leaching of contaminants into the groundwater. Two vaults have been constructed. About 13 more vaults would be constructed over the life of the facility for the proposed action.

B. Ion Exchange Alternative

This alternative is as described above for the proposed action, except that DOE would replace the ITP process with an ion exchange process for high-level waste pre-treatment. DOE examined two options for implementing ion exchange for waste pre-treatment: (1) Phased replacement and (2) immediate replacement. In phased replacement, ITP would operate until the ion exchange facility had been designed, constructed, tested, and was available for use, in approximately 14 years. In immediate replacement, ITP would not operate and waste removal from tanks would not begin, meaning the waste would remain in a more mobile state until the ion exchange facility was operational in approximately 10 years. Under the immediate replacement option, the ion exchange facility would be available four years earlier than it would be under the phased replacement alternative. Because ITP would not be operating to empty the high-level waste tanks, DOE would design, construct, and test an ion exchange facility on an accelerated schedule.

C. No Action

Under this alternative, DOE would continue to manage SRS high-level waste in the F- and H-Area Tank Farms for an indefinite period until an alternative to DWPF can be developed to effectively immobilize the high-level waste. DOE would not operate the Vitrification Facility and associated facilities and structures, ITP, or Extended Sludge Processing. DOE would continue current Saltstone Manufacturing and Disposal operations to treat waste residuals from the F- and H-Area Effluent Treatment Facility. DOE would ''mothball'' the Vitrification Facility for an indefinite period and reduce DWPF operations staff accordingly. At least two additional Saltstone Disposal Vaults would be constructed for disposal of F- and H-Area Effluent Treatment Facility waste residuals.

D. Environmental Impacts of Alternatives Documented in the Supplemental EIS

The alternatives (except the no-action alternative) would result in an overall reduction in risk to human health and the environment associated with management of high-level radioactive waste currently stored in the tank farms. As long as the waste remains in the tanks, particularly in liquid form, releases to the environment could occur as a result of leaks, spills, or tank system rupture. In the process of reducing this overall risk, taking action would have environmental impacts. Although the no-action alternative would not pose these operational impacts, it also would not reduce the continuing risk posed by tank storage of the high-level radioactive waste. Implied in the no-action alternative is the operation at some future time of a replacement immobilization facility (an alternative to DWPF) to treat the high-level radioactive waste. However, the risks and impacts of future alternative immobilization facilities are not known and were not evaluated in the Final Supplemental EIS.

Under all the alternatives, minor impacts would be expected to geologic resources (e.g., soils), surface water, socioeconomic resources, traffic and transportation, and decontamination and decommissioning. No impacts to cultural resources, aesthetic and scenic resources, floodplains and wetlands, or threatened and endangered species would be expected from implementing any of the alternatives. Other impacts are discussed below.

Each alternative considered in the Supplemental EIS, including no action, would result in the unavoidable loss or alteration of land, natural resources, and associated natural resource services (e.g., groundwater for drinking, natural habitats). Land used for the Saltstone Disposal Vaults, approximately 22 hectares (55 acres) under the no-action alternative, and approximately 73 hectares (180 acres) under the proposed action, or under the ion exchange alternatives, would be permanently committed to waste management and would not be available for other purposes (e.g., forestry). Under the no action alternative, two additional vaults would be constructed on land that has already been cleared. Under the action alternatives, further land use impacts would be spaced over time as an additional 13 new Saltstone Disposal Vaults are constructed. Small mammals, reptiles, and birds occupying this habitat would be displaced or disturbed by clearing and construction activities, but local and regional populations of these wildlife species would not be impacted.

Under all alternatives, use of this land for waste disposal would also unavoidably impact groundwater. Some contamination of shallow groundwater at and near the Saltstone Disposal Vaults is projected to occur from leaching of radionuclides and other pollutants (e.g., nitrate). However, releases from the vaults are not expected to reach the shallow groundwater for at least 100 years, and contamination is projected to remain below drinking water standards beyond a distance of 100 meters (328 feet) from the vaults. Peak concentrations of nonradioactive contaminants are expected to occur at least 1,000 years after closure. The peak radiological dose from groundwater contamination will occur 2,000 years after closure and is 100 times less than current EPA dose limits for drinking water.

Under normal operations, radiation exposure to workers and members of the public would be well within DOE and EPA limits for any of the alternatives. DOE does not expect adverse health effects to members of the public. Normal operations under either action alternative could result in approximately one additional fatal cancer from exposure to radiation among DWPF workers over the 24 years of DWPF processing as analyzed in the SEIS.

Under any of the alternatives, wastes would be generated as a result of operations. These wastes would include low-level, hazardous, mixed (hazardous and radioactive), construction debris, and sanitary wastes. In addition to these waste streams, highly radioactive failed equipment such as failed melters, process vessels, and miscellaneous small failed equipment would be generated under the action alternatives. The wastes generated under any alternative would impact the existing and planned SRS waste management infrastructure. The treatment and disposal options for these waste streams, except for the highly radioactive failed equipment (which is specifically designated for storage in the Failed Equipment Storage Vaults) and sanitary waste, are being evaluated in the *SRS Waste Management EIS*, currently being prepared.

Major differences in potential impacts among the alternatives include the following:

- Although long-term risk to human health and the environment would be reduced by immobilizing the waste, the proposed action and either option under the ion exchange alternative would initially pose an increased risk above that posed by continued storage (no action). During the period of DWPF operation, the risk would gradually decrease below that of continued tank storage to a smaller, continuing risk from radioactive glass waste canisters stored underground in the Glass Waste Storage Buildings and from residual radioactivity in the high-level waste tanks and processing facilities. Under the ion exchange immediate replacement option, current levels of risk from tank farm operations would persist for an additional 10 years because high-level waste removal and stabilization would be delayed 10 years. Under the no-action alternative, the risk from managing high-level radioactive waste at the tank farms would continue indefinitely.
- Under either action alternative, radiological releases, resulting from failures of DWPF equipment and systems after a severe earthquake (frequency of once every 5,000 years), could result in a dose of approximately 4,000 rem to a worker located 100 meters (328 feet) from the Vitrification Facility and greater doses to workers located closer to the facility. Such doses would result in death within a few days. These equipment and system failures would also result in doses to the public that exceed the DOE dose standard for normal operations. The proposed action includes safety modifications, which would be implemented before the facility is operated with radioactive waste, to substantially reduce or eliminate the probability and consequences of these failures resulting from a severe earthquake.
- Potential, but unlikely, chemical accidents under each of the action alternatives could result in nitric acid concentrations that may cause nearby workers to experience or develop life-threatening health effects or prevent them from taking protective actions. The proposed safety modifications would be in place to minimize the consequences of these potential accidents.
- Potential, but unlikely, chemical accidents for the proposed action and for the first 14 years of the phased replacement option could result in formic acid and benzene concentrations that may cause nearby workers to experience or develop life-threatening health effects or prevent them from taking protective actions. This potential impact would not exist for the no-action alternative, the immediate replacement ion exchange option, or the last 10 years of the phased replacement ion exchange option. The proposed safety modifications would be in place to

minimize the consequences of these potential accidents.

- The ion exchange alternative poses a lower risk from hazardous materials than does operation of ITP because fewer hazardous byproducts, such as benzene, would be produced.
- The ion exchange and no-action alternatives would eliminate the generation of DWPF organic waste as compared to the proposed action.

E. Environmentally Preferable Alternative

DOE considers the alternative that would use ion exchange as an ITP pretreatment replacement to be the environmentally preferable alternative. However, DOE considers either of the action alternatives (i.e., proposed action and ion exchange alternative) environmentally preferable over the no-action alternative because the risk posed by storing the high-level waste at the tank farms under the no-action alternative would continue indefinitely, as long as the high-level radioactive waste remained in the tanks (particularly in liquid form), due to potential releases to the environment from leaks, spills, or tank system rupture.

Although DOE considers the ion exchange alternative environmentally preferable, implementation of ion exchange would result in certain environmental impacts as discussed above. Under the phased replacement option, the proposed action impacts are present during the first 14 years. Under the immediate replacement option, an additional 10 years of risk would exist from tank storage of the high-level radioactive waste. The total impacts of the ion exchange alternative (both phased and immediate replacement options), including the impacts of existing offsite facilities and reasonably foreseeable onsite facilities and operations, would be equal to or less than those of the proposed action.

The advantages of the ion exchange alternative result from the elimination of benzene as a byproduct of ITP. In addition, either ion exchange replacement option would result in a slight decrease in the generation of mixed waste compared to the proposed action. However, the ion exchange alternative would slightly increase the number of radiologically contaminated facilities at SRS requiring eventual decontamination and decommissioning.

The ion exchange alternative which would not produce benzene or use formic acid in the vitrification process, would eliminate the risks caused by these substances in an accident. This alternative would also reduce the likelihood of radiological accidents at the Vitrification Facility by eliminating benzene, which is flammable and could cause explosions under certain accident scenarios. However, under the proposed action, DOE would implement safety modifications, before radioactive operations are initiated, to substantially reduce or eliminate the probability and consequences of such events.

III. Decision

DOE has decided to implement the proposed action as described in the Final Supplemental EIS. DOE will complete construction and begin operation of the DWPF as currently designed to immobilize high-level radioactive waste. DOE will also implement additional safety modifications to DWPF that will substantially reduce or eliminate potential accidental releases of radioactivity and chemicals in the unlikely event of a severe earthquake. DOE will continue the DWPF process and facility modifications that are underway, complete startup testing activities, and meet requirements for independent reviews. Upon completion of these activities, DOE will operate the facility. Based on operating plans and projected funding used in the SEIS analysis, high-level waste processing would be completed in about 24 years.

A. Discussion

On the basis of analyses presented in the Final Supplemental EIS, DOE considers the no-action alternative to be the least favorable of the alternatives considered. DOE considers tank storage of the high-level radioactive waste (i.e., the no-action alternative) to be only a temporary solution to managing this waste, while action alternatives offer a long-term solution, providing for the immobilization of the waste in a form suitable for safe storage and ultimate disposal at a permanent geologic repository. As discussed above, the risk of potential releases to the environment posed by storing the high-level radioactive waste in tanks would continue as long as waste remained in the tanks.

Selection of the no-action or the ion exchange immediate replacement alternative would result in DOE being unable to achieve or maintain timely compliance with environmental requirements and commitments made to environmental regulatory agencies. Since 1982, DOE has entered into two major compliance agreements with regulatory agencies that affect DWPF. The first is the Federal Facility Agreement with the Environmental Protection Agency and the South Carolina Department of Health and Environmental Control (SCDHEC), made effective in August 1993. It was developed to ensure that environmental restoration activities at SRS meet applicable requirements of the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act (RCRA). DOE committed in this agreement to remove the high-level waste from those high-level waste tanks and tank system components that do not meet stringent standards, including adequate secondary containment to minimize the potential for releases to the environment. DOE also committed to develop, and is in the process of negotiating, a waste removal plan and schedule to be approved by EPA and SCDHEC. This plan and schedule is based on operating DWPF, including ITP and Extended Sludge Processing, which EPA and SCDHEC formally recognize in the agreement as appropriate treatment for high-level radioactive waste at SRS.

The second of these agreements is the Land Disposal Restrictions Federal Facility Compliance Agreement between DOE and EPA, first made effective in March 1991 and last amended in June 1994. This agreement specifies actions DOE must take to ensure compliance with the land disposal restriction requirements of RCRA. It applies to certain SRS hazardous wastes that are also radioactive (i.e., mixed wastes), including high-level waste at SRS. The land disposal restrictions require that hazardous and mixed waste be treated to meet specific treatment standards to reduce potential hazards and limit the amount of waste that can be stored in an untreated condition. EPA has specified vitrification as the treatment to be used for high-level waste, and the Land Disposal Restrictions Federal Facility Compliance Agreement requires DOE to vitrify this waste in the DWPF system as necessary to support the waste removal plan and schedule developed in accordance with the Federal Facility Agreement.

Several other factors contributed to DOE's decision to implement the proposed action rather than the ion exchange alternative. First, the difference in impacts between these two alternatives would be small. Although the impacts of the ion exchange alternative would be less than the proposed action, primarily due to the shorter period of benzene production (phased replacement) or the elimination of benzene production (immediate replacement), the benzene emissions would be within regulatory standards. Also, safety modifications will be made

to reduce the likelihood and consequences of accidents that could occur from the presence of benzene. Secondly, construction and implementation of an ion exchange system would be expensive. The total cost of designing and constructing the ion exchange facility is projected to be $500 million. The approximate cost of the immediate replacement option would be $1.1 billion, in addition to the $500 million for designing and constructing the ion exchange facility. Finally, although an ion exchange system is technically feasible, uncertainty exists in designing and implementing this system for DWPF. Large-scale demonstrations would be required to validate the safety basis and the efficiency of the process to remove cesium, strontium, and plutonium, and to demonstrate the impacts on radioactive glass quality.

IV. Mitigation Action Plan

A Mitigation Action Plan is not required (10 CFR 1021.33) because safety improvements have been incorporated into the proposed action to reduce the consequences from potential accidents.

V. Final SEIS Comments

The U.S. Environmental Protection Agency Region IV expressed concern about projected high level waste throughput from storage of foreign research reactor fuel or from acceptance onsite of commercial wastes. The vitrification of waste other than liquid high level waste now in tanks (and small increments produced as a result of site activities) is not proposed at this time. If a proposal is made at a later time, appropriate NEPA review will be undertaken. The final SEIS, taking account of preliminary estimates of reasonably foreseeable actions, including the acceptance of foreign research reactor spent nuclear fuel, containing enriched uranium of United States origin, stated that the incremental volume of high-level radioactive waste than could result from these activities and that might be processed in DWPF is small compared to the volume of high-level waste currently stored in the tank farms (Section 2.2.1) and presented estimates of cumulative impacts (Section 4.1.17). The acceptance of commercial wastes at the Savannah River Site has not been proposed and is therefore outside the scope of the DWPF SEIS.

VI. Conclusion

DOE has determined that the best course of action for immobilizing SRS radioactive high-level waste is to complete construction and startup testing and operate DWPF as currently designed, but include additional safety modifications to reduce or eliminate potential accidental releases of radioactive materials and benzene in the event of a severe earthquake. This conclusion is based on careful consideration of environmental impacts, monetary costs, and regulatory commitments. Storage of high-level radioactive waste in tanks, particularly in liquid form, presents continued risk of releases to the environment, both from normal operation and accidents. Completion and operation of DWPF will effectively reduce potential hazards to human health and the environment posed by this high-level radioactive waste.

Issued in Washington, D.C. on March 28, 1995.

Thomas P. Grumbly,

Assistant Secretary for Environmental Management.

[FR Doc. 95–9004 Filed 4–11–95; 8:45 am]

BILLING CODE 6450–01–P

EERE-Denver Regional Support Office; IRP Education and Training Program

AGENCY: Department of Energy.

ACTION: Notice of Request for Applications, Integrated Resource Planning, Education and Training Program.

SUMMARY: The Office of Utility Technologies, Assistant Secretary for Energy Efficiency and Renewable Energy, through the Denver Regional Support Office, announces the Integrated Resource Planning Education and Training Program. The program will provide assistance for State public officials to participate in training and education opportunities to enhance integrated resource planning (IRP) and demand-side management (DSM) efforts. Two cycles of applications are invited, the first is April 1, 1995 and the second is July 1, 1995. Total funding available is $250,000.

Eligible participants are Commissioners, Governing Officials, and staff of State public utility commissions and State energy offices. Funds may be used for training, including workshops and seminars, to obtain consultant services, to purchase computer software, guidebooks, tutorials, and to subscribe to databases and subscription services. Applications must be submitted to the Denver Regional Support Office. Applications will be evaluated according to the type of assistance requested, and the importance of the funding to IRP/DSM activities and the ability to measure the impact the assistance will have on advancing IRP/DSM in the organization. Awards will not exceed $5,000.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the application procedures, contact Cathy Ghandehari , U.S. Department of Energy, Denver Support Office, 2801 Youngfield St., Suite 380, Golden, CO 80401, Telephone 303–231–5750. Requests may be faxed to Ms. Ghandehari at 303–231–5757.

Issued in Golden, Colorado on: March 23, 1995.

Beth H. Peterman,

Acting Chief, Procurement, GO.

[FR Doc. 95–9019 Filed 4–11–95; 8:45 am]

BILLING CODE 6450–01–P

EERE-Denver Regional Support Office; Solicitation; Integrated Resource Planning

AGENCY: Department of Energy.

ACTION: Notice of Solicitation for Financial Assistance Applications, Number DE–PS48–95R810530, Integrated Resource Planning.

SUMMARY: The Department of Energy, Denver Regional Support Office, pursuant to 10 CFR 600 announces its intention to issue a competitive solicitation and make financial assistance awards to support Research Projects in Integrated Resource Planning (IRP) in furtherance of the provisions of Title I, Energy Efficiency, Section 111 of Public Law 102–486, The Energy Policy Act of 1992.

AVAILABILITY OF THE SOLICITATION: To obtain a copy of the solicitation write to the U.S. Department of Energy, Denver Support Office, 2801 Youngfield St., Suite 380, Golden, CO 80401, Attn: Louise S. Urgo, FY 1995, IRP Solicitation. Only written requests for the solicitation will be honored. For convenience, requests for the solicitation may be faxed to Ms. Urgo at 303–231–5757.

SUPPLEMENTARY INFORMATION: The investor-owned electric utility industry is undergoing rapid and profound change in response to competitive pressures resulting in a fundamental rethinking of industry structure and regulatory policies and programs. Specifically, as industry structure changes and electricity is bought and sold in increasing competitive trade, questions arise as to the necessity for and ability of regulation and public policy generally to pursue aims such as energy efficiency, resource diversity, equity, and environmental quality

through traditional regulatory means. The U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, is interested in exploring emerging structures and institutions for ensuring that basic public policy goals continue to be met, increasingly through market-based mechanisms. Specifically, the IRP Program intends to sponsor innovative research to explore the nature of the investor-owned electric utility industry and market transformation, and the development of new institutions supporting energy efficiency, environmental quality, equity, fuel diversity and research and development. Seven (7) broad subject areas in which research can be proposed include: (1) The economic costs and benefits of alternative wholesale and retail market structures. (2) The evolving nature of retail electricity markets. (3) New institutions for promoting and enhancing environmental quality. (4) New institutions for improving energy efficiency. (5) Analytical methods for a competitive market. (6) New structures for resource planning. (7) Emerging issues in the electric utility. More details on the types of projects and activities that might be expected as a result of this competition are included in the solicitation.

Review of applications will begin on or about June 15, 1995. Selections will commence approximately mid-July, with anticipated award issuance during August through September 1995. It is anticipated that the Denver Support Office of the Department of Energy will make multiple financial assistance awards as a result of this solicitation. Approximately $400,000 has been allocated to this program in Fiscal Year 1995. Approximately four (4) to eight (8) awards will be made with Federal share funding levels not to exceed $100,000 for any individual award. Project should be completed within nine (9) months of the award date, unless approved otherwise by a DOE Contracting Officer in writing.

Awards may be either grants or cooperative agreements, depending on the amount of substantial involvement anticipated between the Department of Energy and the recipient during performance of the contemplated activity.

The solicitation will be issued on or about April 15, 1995, and will contain detailed information on funding, cost sharing requirements, eligibility, application preparation, and evaluation. Responses to the solicitation will be due 60 days after solicitation release.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Denver Regional Support Office, 2801 Youngfield St., Golden, CO., 80201, Attention: Louise S. Urgo, Contracting Officer.

Issued in Golden, Colorado on: March 23, 1995.

Beth H. Peterman,

Acting Chief, Procurement, GO.

[FR Doc. 95–9020 Filed 4–11–95; 8:45 am]

BILLING CODE 6450–01–P

[6450–1–RMS]

Environmental Management Site-Specific Advisory Board, Monticello Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Board Committee Meeting: Environmental Management Site-Specific Advisory Board, Monticello Site.

DATE AND TIME: Tuesday, April 18, 1995, 6:30 p.m.–8:00 p.m.

ADDRESSES: Monticello City Hall, Monticello, Utah 84535.

FOR FURTHER INFORMATION CONTACT: Audrey Berry, Public Affairs Specialist, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, C0 81502 (303) 248–7727.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to advise DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

The Environmental Management Site-Specific Advisory Board, Monticello Site, will be discussing issues related to the reorganization of the advisory board.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Audrey Berry's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days before the date of the meeting, due to programmatic issues that had to be resolved prior to publication.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Audrey Berry, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, or by calling her at (303)–248–7727.

Issued at Washington, DC on April 7, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–9018 Filed 4–11–95; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research; High Energy Physics Advisory Panel; Notice of open meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is given of a meeting of the High Energy Physics Advisory Panel.

DATES: Sunday, May 7, 1995, 9:00 a.m. to 5:00 p.m.; and Monday, May 8, 1995, 9:00 a.m. to 5:00 p.m.

ADDRESSES: Cornell University, Clark Hall, Room 700, Ithaca, New York 14853.

FOR FURTHER INFORMATION CONTACT: Dr. P.K. Williams, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER–221, GTN, Washington, D.C. 20585, Telephone: (301) 903–4829.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting

The Panel will provide advice and guidance with respect to the high energy physics research program.

Tentative Agenda

Sunday, May 7, 1995, and Monday, May 8, 1995:

Discussion of Department of Energy (DOE) High Energy Physics Programs

Discussion of National Science Foundation (NSF) Elementary Particle Physics Programs
Discussion of Status of Large Hadron Collider (LHC) Project and U.S. Participation in LHC
Discussion of University-based High Energy Physics Programs
Reports on and Discussions of Topics of General Interest in High Energy Physics
Presentations of CESR/CLEO Programs at Cornell University
Public Comment (10 minute rule)

Public Participation

The two-day meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C. on April 5, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–9005 Filed 4–11–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP95–233–000]

Williston Basin Interstate Pipeline Co.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Billy Creek-Sheridan Replacement Project and Request for Comments on Environmental Issues

April 6, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Billy Creek-Sheridan Replacement Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Williston Basin Interstate Pipeline Company (WBI) wants to replace 13.4 miles of 8-inch-diameter pipeline in Johnson and Sheridan Counties, Wyoming. WBI states that severe corrosion and leaks have been found throughout the Billy Creek-Sheridan Pipeline, and the facilities proposed to be replaced represent the final section of replacement for the pipeline. WBI would use the facilities to transport up to 15,230 thousand cubic feet per day of gas.

The location of the facilities are shown in appendix 1.[2]

Land Requirements for Construction

Most of the proposed project would be built within and near existing right-of-way, but about 40 percent of the new pipeline would be located outside of the existing right-of-way. WBI intends to use a construction right-of-way width that would vary between 50 and 100 feet during construction. About 85 acres would be disturbed during construction.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of these proposed actions and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Land use.
- Cultural resources.
- Public safety.
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for the proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by WBI. Keep in mind that this is a preliminary list. The list of issues may be added to, subtracted from, or changed based on your comments and our analysis. Issues are:

- The project would cross seven perennial streams.
- The project would cross or be near cultural resources/archaeological sites.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

[1] Williston Basin Interstate Pipeline Company's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

• Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426;

• Reference Docket No. CP95–233–000;

• Send a *copy* of your letter to: Mr. Jeff Shenot, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Room 7312, Washington, D.C. 20426; and

• Mail your comments so that they will be received in Washington, D.C. on or before May 12, 1995.

If you wish to receive a copy of the EA, you should request one from Mr. Shenot at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (appendix 2).

The date for filing of timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by Section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Jeff Shenot, EA Project Manager, at (202) 219–0295.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8936 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–298–000]

Columbia Gas Transmission Corporation Columbia Gulf Transmission Co., Notice of Joint Application

April 6, 1995.

Take notice that on April 4, 1995, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkl Avenue, S.E., P.O. Box 1273, Charleston, West Virginia, 25325–1273, and Columbia Gulf Transmission Company (Columbia Gulf), 1700 MacCorkle Avenue, S.E., P.O. Box 1273, Charleston, West Virginia, 25325–1273, filed a joint application pursuant to Section 7(b) of the Natural Gas Act requesting authority to abandon a transportation service provided by Columbia Gas and Columbia Gulf for FMC Corporation (FMC) performed under Columbia Gas' Rate Schedule X–128, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The transportation service was authorized in Docket No. CP85–606–000 which approved the agreement that Columbia Gas and Columbia Gulf would transport of up to 5,000 Dth/d of gas for FMC's Baltimore, Maryland plant. Columbia Gulf would receive gas from the producer, Amoco Production Company (Amoco) at various points of receipt in Cameron, Vermilion, Lafourche, and Jefferson Davis Parishes, Louisiana. Columbia Gulf transported gas to Columbia Gas at an existing point of interconnection near Leach, Kentucky. Columbia Gas, in turn, would transport the gas to existing points of interconnection with Baltimore Gas and Electric Company (BG&E) for ultimate delivery to FMC in Baltimore, Maryland. Volumes were last transported in March of 1993 under Rate Schedule X–128. The transportation agreement provided for a primary term of three years and could continue on month to month thereafter until terminated by any party upon written notice to the other. On June 23, 1993 Columbia Gas notified FMC of its cancellation of the transportation service to be effective July 25, 1993. Columbia Gas notified Columbia Gulf and BG&E on June 25, 1993, of its intent to terminate the transportation agreement, X–128 to be effective July 25, 1993.

Any person desiring to be heard or to make a protest with reference to said application should, on or before April 27, 1995, file with the Federal Energy Regulatory Commission (825 North Capitol Street, NE., Washington, DC 20426) a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 285.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia Gas or Columbia Gulf to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8934 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA94–1–23–005 and TA95–1–23–001]

Eastern Shore Natural Gas Co.; Conference To Discuss Settlement

April 6, 1995.

Pursuant to the Commission's notice issued on March 13, 1995, an informal conference will be held to explore the possibility of settlement of the issue raised in the above-captioned proceeding. All parties should come prepared to discuss settlement, and the parties should be represented by principals who have the authority to commit to a settlement.

The conference will be held on Tuesday, April 25, 1995 at 9:00 A.M. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8929 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ95–2–23–000 and TM95–8–23–000]

Eastern Shore Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

April 6, 1995.

Take notice that on April 3, 1995, Eastern Shore Natural Gas Company (ESNG) tendered for filing certain revised tariff sheets included in Appendix A to the filing. Such sheets are proposed to be effective May 1, 1995.

ESNG states that the above referenced tariff sheets are being filed pursuant to Section 154.308 of the Commission's regulations and Sections 21 and 23 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect a reduction in ESNG's jurisdictional rates. ESNG states that the sale rates set forth thereon reflect an overall decrease of ($0.1061) per dt in the Demand Charge, and an overall decrease of ($0.2901) per dt in the Commodity Charge, as measured against ESNG's Quarterly PGA, Docket No. TQ95–1–23–000, *et. al.,* with rate in effect as of February 1, 1995.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 13, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8928 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–26–013]

El Paso Natural Gas Co.; Notice of Report of Amounts Due

April 6, 1995.

Take notice that on March 24, 1995, El Paso Natural Gas Company (El Paso) submitted, in accordance with authorizations granted by the Federal Energy Regulatory Commission (Commission) in orders issued November 2, 1994, at Docket No. RP91–26–010 and February 8, 1995, at Docket No. RP91–26–012, its report of amounts that each affected customer was billed.

El Paso states that on February 15, 1995, it invoiced each affected customer its portion of the revised amounts plus the additional interest charged from the 26th of the month following the activity month through February 25, 1995, which was billed to each affected customer.

El Paso states that it invoiced amounts totalling $4,918,643.71, inclusive of interest, comprised of the following: $1,555,413.59 invoiced to sales customers subject to a direct bill; $195,288.09 invoiced to sales customers who paid a bundled, city-gate sales rate which included the throughput surcharge; and $3,167,942.03 invoiced to transportation customers. The applicable periods for assessment of the revised charges are as follows: direct bill—December 1, 1988, through December 31, 1991 (when bundled, city-gate sales service ceased); and transportation—December 1, 1988, through March 31, 1992.

El Paso states that each customer received its pertinent detail (included in Volume No. 2) when it received its monthly invoice. El Paso state that it is not furnishing the complete Volume No. 2 to all affected customers since it contains information commercially sensitive to individual customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 385.211 of the Commission's Regulations. All such protests should be filed on or before April 13, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestant parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8930 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT95–30–000]

Northern Natural Gas Co., Notice of Distribution of Refunds Paid

April 6, 1995.

Take notice that on March 21, 1995, Northern Natural Gas Company (Northern) submitted worksheets reflecting the distribution of refunds paid to jurisdictional sales customers on March 21, 1995. Northern states that these refunds are being made pursuant to the Commission's Order in *Colorado Interstate Gas Company,* Docket Nos. GP83–11–002 and RI83–9–003 issued December 1, 1993.

The Commission ordered that ''any first seller that collected revenues in excess of the applicable maximum lawful price established by the NGPA as a result of the reimbursement of the Kansas ad valorem taxes for sales on or after June 28, 1988, shall refund any such excess revenues to the purchaser . . . ''. The Interstate pipelines were then required to make lump-sum cash payments of the Kansas ad valorem tax refunds to the customers who were actually overcharged. Included with Northern's payments is interest covering the period from the date Northern received the refund from the producer until March 21, 1995.

Northern states that a copy of this report is being mailed to each of * * * Northern's affected jurisdictional sales customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1995. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8933 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–291–000]

Richfield Gas Storage System; Notice of Request Under Blanket Authorization

April 6, 1995.

Take notice that on March 31, 1995, Richfield Gas Storage System (Richfield), Two Warren Place, 6120 S. Yale, Suite 1200, Tulsa, Oklahoma 74136, filed a prior-notice request in Docket No. CP95–291–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to use an existing tap and side valve as a new delivery point in Morton County, Kansas, under Richfield's blanket certificate issued in Docket No. CP93–679-000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Richfield proposes to deliver natural gas for Associated Gas Services (AGS) to an interconnect with facilities to be constructed by Greeley Gas Company (Greeley) for ultimate consumption by Greeley's end-user customers. Richfield states that it would deliver up to 1,000 Mcf of gas per peak day and up to 150,000 Mcf of gas annually via its existing tap and side valve facilities in Morton County. Richfield also states that it would deliver gas under existing firm and interruptible agreements with AGS and that the proposed deliveries to AGS would have no significant impact on its existing peak day or annual deliveries. Richfield states that it would serve AGS under its FERC Rate Schedules FSS–1 and/or ISS–1.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 314 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8935 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT95–31–000]

Transcontinental Gas Pipe Line Corp.; Notice of Filing

April 6, 1995.

Take notice that on March 22, 1995, Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing a report concerning its Refund of Excess Interruptible Transportation/Gathering Revenues.

TGPL states that pursuant to Section 29 of the General Terms and Conditions (GT&C) of its FERC Gas Tariff, Third Revised Volume No. 1, TGPL refunded on March 21, 1995 excess interruptible transportation/gathering revenues for the annual period November 1993 through October 1994. Pursuant to Section 29 of the GT&C, 90% of such excess fixed cost revenue is being refunded to all firm transportation Buyers (except those whose rates are based on an incremental cost of service) based on each respective Buyer's fixed cost contribution as a percentage of the total fixed cost contribution of such Buyers during the refund period. Refunds total $24,516,141.43, including interest of $901,182.67.

TGPL further states that in its orders [*Transcontinental Gas Pipe Line Corporation*, 63 FERC ¶ 61,194 at 62,500, *rehearing denied*, 65 FERC ¶ 61,023 (1993)] approving Section 29 of the GT&C, the Commission expressly excluded interruptible shippers from sharing in refunds of excess interruptible transportation/gathering revenues. Those orders (including the issue of interruptible shipper participation in refunds under Section 29 of the GT&C) have been appealed to the United States Court of Appeals for the D.C. Circuit. In the event that the issue of the right of interruptible shippers to participate in the sharing of excess interruptible transportation/gathering revenues is addressed in that appeal, TGPL provides notice to its affected customers that the amounts refunded are subject to adjustment and that TGPL reserves the right to recoup any portion of the amounts refunded depending upon the final resolution of the issue.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before April 13, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8932 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT95–10–000]

Williston Basin Interstate Pipeline; Notice of Compliance Filing

April 6, 1995.

Take notice that on April 3, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff.

Williston Basin states that the revised tariff sheets reflect changes to the list of possible shared personnel and updates references to Order Nos. 566, *et seq.*

Williston Basin has requested that the Commission accept this filing to become effective May 3, 1995.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 13, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–8931 Filed 4–11–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30385; FRL–4945–5]

W.R. Grace and Co.-Conn.; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by May 12, 1995.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP–30385] and the file symbol to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Willie H. Nelson, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. CS51B6, Westfield Building North Tower, 2800 Crystal Drive, Arlington, VA 22202, (703) 308–8682; e-mail: nelson.willie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA received applications to register the pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 11688–RI. Applicant: W.R. Grace and Co.-Conn., 7379 Route 32, Columbia, MD 21044. Product name: Neemgard. Insecticide. Active ingredient: Neem oil (CAS No. 8002–65–1) at 90 percent. Proposed classification/Use: None. For use to control a variety of foliar plant diseases including rots, mildews, rusts, leaf spots, scab, and blights. Kills/repels insect pests such as whiteflies, aphids, scales, mealybugs, and mites.

2. File Symbol: 11688–I. Applicant: W.R. Grace and Co.-Conn. Product name: Neem Oil TGAI. Biochemical. Active ingredient: Neem oil at 100 percent. Proposed classification/Use: General. For manufacturing use only in the formulation of insecticides.

3. File Symbol: 11688–O. Applicant: W.R. Grace and Co.-Conn. Product name: Neemguard Botantical Fungicide. Biochemical. Active ingredient: Neem oil at 90 percent. Proposed classification/Use: General. For effective management of black spot, rusts, and powdery mildew on bedding plants, ornamentals, trees, and shrubs, in and around greenhouses, commercial nurseries, and homes.

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operation Division office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: March 30, 1995.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 95–8500 Filed 4–11–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before June 12, 1995.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Information Collections Clearance Officer at the address below; and to Donald Arbuckle, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395–7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Muriel B. Anderson, FEMA Information Collections Clearance Officer, Federal Emergency Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2624.

Type: New collection.

Title: National Flood Insurance Program—Community Rating System—Program Evaluation.

Abstract: FEMA is collecting information through written survey, telephone surveys, and focus groups to assess the effectiveness of the Community Rating System (CRS). CRS is a voluntary program that communities participating in the National Flood Insurance Program (NFIP) can join to lower flood insurance rates.

Type of Respondents: Individuals or households, business or other for-profit, and State, Local or Tribal Government.

Estimate of Total Annual Reporting and Recordkeeping Burden: FY 95—634 hours; FY 96—621 hours.

Number of Respondents: FY 95—3,190, FY 96—830.

Estimated Average Burden Time per Response: Ranges from 5 to 20 minutes for each of the 8 written and telephone surveys, and averaged 4 hours for each of the 3 focus groups.

Frequency of Response: One-Time.

Dated: March 31, 1995.

Wesley C. Moore,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 95–8993 Filed 4–11–95; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Ameribank, Corporation, Inc.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-6789) published on page 14760 of the issue for Monday, March 20, 1995.

Under the Federal Reserve Bank of Kansas City heading, the entry for Ameribank, Corporation, Inc., is revised to read as follows:

1. Ameribank, Corporation, Inc.; Shawnee, Oklahoma; to acquire 29.6 percent of the voting shares of United Oklahoma Bankshares, Inc., Del City, Oklahoma, and thereby indirectly acquire United Bank, Del City, Oklahoma.

Board of Governors of the Federal Reserve System, April 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–8967 Filed 4–11–95; 8:45 am]

BILLING CODE 6210–01–F

Compass Bancshares, Inc.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 5, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Compass Bancshares, Inc., Birmingham, Alabama; to merge with The American Bancorporation of the South, Merritt Island, Florida, and thereby indirectly acquire The American Bank of the South, Merritt Island, Florida.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Texas Financial Bancorporation, Inc., Minneapolis, Minnesota to acquire Delaware Financial Bancorporation, Inc., Wilmington, Delaware; to become a bank holding company; by acquiring 100 percent of the voting shares of First Bank, Houston, Texas.

2. Midland American Bancshares, Inc., Midland, Texas; and MAB Bancshares of Delaware, Inc., Wilmington, Delaware to become bank holding companies by acquiring 100 percent of the voting shares of Midland American Bank, Midland, Texas.

Board of Governors of the Federal Reserve System, April 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–8968 Filed 4–11–95; 8:45 am]

BILLING CODE 6210–01–F

Financial Trust Corp., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than April 26, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Financial Trust Corp., Carlisle, Pennsylvania; to acquire through Financial Trust Services Company, Carlisle, Pennsylvania, the trust activities of Farmers Trust Company, Carlisle, Pennsylvania; Chambersburg Trust Company, Chambersburg, Pennsylvania; and First National Bank and Trust Company, Waynesboro, Pennsylvania, pursuant to § 225.25(b)(3) of the Board's Regulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First Banks, Inc., St. Louis, Missouri; to acquire Irvine City Financial, Irvine, California, and thereby indirectly acquire Irvine City Bank, and Federal Savings Bank, both of Irvine, California, and thereby engage in acquiring, owning and operating a savings association; deposit taking activities and lending and other activities, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–8969 Filed 4–11–95; 8:45 am]

BILLING CODE 6210–01–F

Salvador Vicente Bonilla-Mathe; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 26, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Salvador Vicente Bonilla-Mathe, Miami, Florida; to acquire an additional 1.6 percent, for a total of 25.4 percent, of the voting shares of Gulf Bank, Miami, Florida.

Board of Governors of the Federal Reserve System, April 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–8970 Filed 4–11–95; 8:45 am]

BILLING CODE 6210–01–F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that a two-day meeting of the Federal Accounting Standards Advisory Board will be held on Wednesday afternoon, April 26 from 1:00 to 4:30 and continuing on Thursday, April 27 from 9:00 A.M. to 4:00 in room 7C13 of the General Accounting Office, 441 G Streets N.W., Washington, D.C.

The agenda for the meeting includes discussions of issues related to the following: draft final recommended Management Cost Accounting Standards, Stewardship Reporting Exposure Draft, and Liabilities project issues.

We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting. Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Executive Staff Director, 750 First Street, NE., Room 1001, Washington, D.C. 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. secton 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: April 7, 1995.

Ronald S. Young,

Executive Director.

[FR Doc. 95–8998 Filed 4–11–95; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: March 1995

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: This notice lists new proposals for welfare reform and combined welfare reform/Medicaid demonstration projects submitted to the Department of Health and Human Services for the month of March, 1995. Federal approval for the proposals has been requested pursuant to section 1115 of the Social Security Act. This notice also lists proposals that were previously submitted and are still pending a decision and projects that have been approved since March 1, 1995. The Health Care Financing Administration is publishing a separate notice for Medicaid only demonstration projects.

Comments: We will accept written comments on these proposals. We will, if feasible, acknowledge receipt of all comments, but we will not provide written responses to comments. We will, however, neither approve nor disapprove any new proposal for at least 30 days after the date of this notice to allow time to receive and consider comments. Direct comments as indicated below.

ADDRESSES: For specific information or questions on the content of a project contact the State listed for that project.

Comments on a proposal or requests for copies of a proposal should be addressed to: Howard Rolston, Administration for Children and Families, 370 L'Enfant Promenade SW., Aerospace Building, 7th Floor West, Washington DC 20447. FAX: (202) 205–3598 PHONE: (202) 401–9220.

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 1115 of the Social Security Act (the Act), the Secretary of Health and Human Services (HHS) may approve research and demonstration project proposals with a broad range of policy objectives.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. On September 27, 1994, we published a notice in the Federal Register (59 FR 49249) that specified (1) the principles that we ordinarily will consider when approving or disapproving demonstration projects under the authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

I. Listing of New and Pending Proposals for the Month of March, 1995

As part of our procedures, we are publishing a monthly notice in the Federal Register of all new and pending proposals. This notice contains proposals for the month of March, 1995.

Project Title: Arizona—Employing and Moving People Off Welfare and Encouraging Responsibility Program.

Description: Would not increase benefits for additional children conceived while receiving AFDC; limit benefits to adults to 24 months in any 60 month period; allow recipients to deposit up to $200/month (with 50% disregarded) in Individual Development Accounts; require minor mothers to live with parents; extend

Transitional Child Care and Medicaid to 24 months and eliminate the 100-hour rule for AFDC–U cases. Also, in a pilot site, would provide individuals with short-term subsidized public or private OJT subsidized by grant diversion which includes cashing-out Food Stamps.
Date Received: 8/3/94
Type: Combined AFDC/Medicaid
Current Status: Pending
Contact Person: Gail A. Parin, (602) 542–4702

Project Title: California—Work Pays Demonstration Project (Amendment)
Description: Would amend Work Pays Demonstration Project by adding provisions to: reduce benefit levels by 10% (but retaining the need level); reduce benefits an additional 15% after 6 months on assistance for cases with an able-bodied adult; time-limit assistance to able-bodied adults to 24 months, and not increase benefits for children conceived while receiving AFDC.
Date Received: 3/14/94
Type: AFDC
Current Status: Pending
Contact Person: Glen Brooks, (916) 657–3291

Project Title: California—AFDC and Food Stamp Compatibility Demonstration Project
Description: Would make AFDC and Food Stamp policy more compatible by making AFDC households categorically eligible for Food Stamps; allowing recipients to deduct 40 percent of self-employment income in reporting monthly income; disregarding $100 per quarter in non-recurring gifts and irregular/infrequent income; disregarding undergraduate student assistance and work study income if payments are based on need; reinstating food stamp benefits discontinued for failure to file a monthly report when good cause is found for the failure; and simplifying vehicle valuation methodology.
Date Received: 5/23/94
Type: AFDC
Current Status: Pending
Contact Person: Michael C. Genest, (916) 657–3546

Project Title: California—Assistance Payments Demonstration Project (Amendment)
Description: Would amend the Assistance Payments Demonstration Project by: exempting certain categories of AFDC families from the State's benefit cuts; paying the exempt cases based on grant levels in effect in California on November 1, 1992; and renewing the waiver of the Medicaid maintenance of effort provision at section 1902(c)(1) of the Social Security Act, which was vacated by the Ninth Circuit Court of Appeals in its decision in Beno v. Shalala.
Date Received: 8/26/94
Type: Combined AFDC/Medicaid
Current Status: Pending
Contact Person: Michael C. Genest, (916) 657–3546

Project Title: California—Work Pays Demonstration Project (Amendment)
Description: Would amend the Work Pays Demonstration Project by adding provisions to not increasing AFDC benefits to families for additional children conceived while receiving AFDC.
Date Received: 11/9/94
Type: AFDC
Current Status: Pending
Contact Person: Eloise Anderson, (916) 657–2598

Project Title: California—School Attendance Demonstration Project
Description: In San Diego County, require AFDC recipients ages 16–18 to attend school or participate in JOBS.
Date Received: 12/5/94
Type: AFDC
Current Status: Pending
Contact Person: Michael C. Genest, (916) 657–3546

Project Title: California—Incentive to Self-Sufficiency Demonstration
Description: Statewide, would require 100 hours CWEP participation per month for JOBS mandatory individuals who have received AFDC for 22 of the last 24 months and are working fewer than 15 hours per week after two years from JOBS assessment and: have failed to comply with JOBS without good cause, have completed CWEP or are in CWEP less than 100 hours per month, or have completed or had an opportunity to complete post-assessment education and training; provide Transitional Child Care and Transitional Medicaid to families who become ineligible for AFDC due to increased assets or income resulting from marriage or the reuniting of spouses; increase the duration of sanctions for certain acts of fraud.
Date Received: 12/28/94
Type: Combined AFDC/Medicaid
Current Status: Pending
Contact Person: Michael C. Genest, (916) 657–3546

Project Title: Delaware: A Better Chance
Description: Statewide, would implement a two-part demonstration. The Welfare Reform Project (WRP), operating from 10/95–6/99, would include: a 2-year limit on cash benefits for cases with able-bodied adults; educational and employment services based on adult's age; in limited cases benefits up to two additional years provided under pay-for-performance workfare program; non-time-limited benefits for unemployable cases; self-sufficiency contract requirements; education and employment-related sanctions to be 1/3 reduction in AFDC and Food Stamp benefits for first offense, 2/3 reduction for second, and loss of Food Stamp benefits until compliance and permanent AFDC loss for third; penalty for failure to comply with other contract requirements of $50 the first month, increasing by $50 per month until compliance; full-family sanction for noncooperation with Child Support; no AFDC increase for additional children; no 100-hour and work history rules for AFDC-UP; exempting special education and business accounts up to $5,000; fill-the-gap budgeting using child support and earnings; auto resource limit of $4,500; $50 bonus to teens who graduate from high school; additional 12 months of transitional child care and Medicaid benefits; no time limit on job search; forward funding of EITC payment; requiring teen parents to live in adult supervised setting, attend school, participate in parenting and family planning education, and immunize children; and providing JOBS services to non-custodial parents. The Family Assistance Plan (FAP), beginning 7/99, would replace the AFDC program and include: services, but no monetary grant, to children of teen parents; benefits for up to two years under pay-for-performance workfare program; welfare diversion payments and services; forward funding of EITC payment; child care assistance; access to Medicaid Managed Care System; no resource test; direct child support to family; small residual cash benefit program for unemployable cases.
Date Received: 1/30/95
Type: Combined AFDC/Medicaid
Current Status: Pending
Contact Person: Elaine Archangelo, (302) 577–4400

Project Title: Georgia—Work for Welfare Project
Description: Work for Welfare Project. In 10 pilot counties would require every non-exempt recipient and non-supporting parent to work up to 20 hours per month in a state, local government, federal agency or nonprofit organization; extends job search; and increases sanctions for JOBS noncompliance. On a statewide basis, would increase the automobile

exemption to $4,500 and disregard earned income of children who are full-time students.
Date Received: 6/30/94
Type: AFDC
Current Status: Pending
Contace Person: Nancy Meszaros, (404) 657–3608

Project title: Kansas—Actively Creating Tomorrow for Families Demonstration
Description: Would, after 30 months of participation in JOBS, make adults ineligible for AFDC for 3 years; replace $30 and 1/3 income disregard with continuous 40% disregard; disregard lump sum income and income and resources of children in school; count income and resources of family members who receive SSI; exempt one vehicle without regard for equity value if used to produce income; allow only half AFDC benefit increase for births of a second child to families where the parent is not working and eliminate increase for the birth of any child if families already have at least two children; eliminate 100-hour rule and work history requirements for UP cases; expand AFDC eligibility to pregnant women in 1st and 2nd trimesters; extend Medicaid transitional benefits to 24 months; eliminate various JOBS requirements, including those related to target groups, participation rate of UP cases and the 20-hour work requirement limit for parents with children under 6; require school attendance; require minors in AFDC and NPA Food Stamps cases to live with a guardian; make work requirements and penalties in the AFDC and Food Stamp programs more uniform; and increase sanctions for not cooperating with child support enforcement activities.
Date Received: 7/26/94
Type: Combined AFDC/Medicaid
Current Status: Pending
Contace Person: Faith Spencer, (913) 296–0775

Project title: Maine—Project Opportunity
Description: Increase participation in Work Supplementation to 18 months; use Work Supplementation for any opening; use diverted grant funds for vouchers for education, training or support services; and extend transitional Medicaid and child care to 24 months.
Date Received: 8/5/94
Type: Combined AFDC/Medicaid
Current Status: Pending
Contace Person: Susan L. Dustin, (207) 287–3106

Project title: Maryland—Welfare Reform Project
Description: Statewide, eliminate increased AFDC benefit for additional children conceived while receiving AFDC and require minor parents to reside with a guardian. In pilot site, require able-bodied recipients to do community service work after 18 months of AFDC receipt; impose full-family sanction on cases where JOBS non-exempt parent fails to comply with JOBS for 9 months; eliminate 100-hour rule and work history requirements for AFDC-UP cases; increase both auto and resource limits to $5000; disregard income of dependent children; provide one-time payment in lieu of ongoing assistance; require teen parents to continue education and attend family health and parenting classes; extend JOBS services to unemployed non-custodial parents; and for work supplementation cases cash-out food stamps.
Date Received: 3/1/94
Type: AFDC
Current Status: Pending
Contace Person: Katherine L. Cook, (410) 333–0700

Project title: Massachusetts—Welfare Reform '95
Description: Statewide, would limit AFDC assistance to 24 months in a 60-month period, with provisions for extensions, for all non-exempt recipients; reduce benefits for non-exempt recipients by 2.75 percent, while increasing earned income disregard to $30 and one-half indefinitely; establish the Work Program designed to end cash assistance to non-exempt families, requiring recipients who cannot find at least 20 hours per week of paid employment after 60 days of AFDC receipt to do community service and job search to earn a cash ''subsidy'' that would make family income equal to applicable payment standard; fund subsidized jobs from value of AFDC grant plus cash value of Food Stamps for limited number of volunteer recipients; sanction individuals who fail to comply with the Work Program by a reduction in assistance equal to the parent's portion of the grant; establish an Employment Development Plan (EDP) for non-exempt participants not required to participate in the Work Program, requiring community service for second failure to comply with EDP and full-family sanction for second failure to comply with community service; require teen parents to live with guardian or in supportive living arrangements and attend school; require children under age 14 to attend school; eliminate grandparent-deeming; strengthen paternity establishment requirements and allow the IV-D agency to determine if participants are cooperating; allow courts to order parents unable to pay child support to community service programs; exclude from the grant calculation children born to mothers while on AFDC; require child immunizatiom; pay rent directly to landlords where caretaker has fallen behind six weeks in payments; increase asset level to $2,500; increase equity value of a vehicle to $5,000; establish wage assignment in cases of fraud or other overpayments; increased penalties for individuals who commit fraud, release AFDC fraud conviction information to Department of Revenue and the Social Security Administration for cross-check, and deny benefits to individuals with an outstanding default warrant issued by a State court; allow State to issue a clothing allowance voucher for each child; disregard the first $600 of lump sum income; require direct deposit of benefits for recipients with bank accounts; and disregard the 100-hour rule for eligibility for two-parent families.
Date Received: 4/4/95

Type: AFDC Only
Current Status: New (replaces application received 3/22/94)
Contact Person: Valerie Foretra, (617) 348–5508

Project Title: Mississippi—A New Direction Demonstration Program—Amendment
Description: Statewide, would amend previously approved New Direction Demonstration Program by adding provision that a family's benefits would not increase as a result of additional children conceived while receiving AFDC.
Date Received: 2/17/95
Type: AFDC
Current Status: Pending
Contact Person: Larry Temple, (601) 359–4476

Project Title: Missouri—Families Mutual Responsibility Plan
Description: Statewide, Missouri would require JOBS mandatory applicants and recipients to sign a self-sufficiency agreement with a 24-month AFDC time limit to be extended an additional 24 months when necessary. The agreement would allow a resource limit of $5000, an earned income disregard of 50 percent of a family's gross earned income for 12 consecutive months,

and standard earned income disregards for remaining earned income. The agreement would require job search and CWEP after the 24 or 48 month limit; and would sanction individuals who do not comply without good cause as well as individuals who re-apply for AFDC if they have completed an agreement entered after July 1, 1997, if they received AFDC benefits for at least 36 months. Further, Missouri would require all minor parent applicants and recipients to live at home or in another adult-supervised setting; disregard parental income of minor parents up to 100 percent of Federal Poverty Guidelines; disregard earnings of minor parents if they are students; provide an alternative to standard filing unit requirements for households with minor parents; eliminate work history and 100-hour rule for two-parent families under 21 yrs old; exclude the value of one automobile; and allow non-custodial parents of AFDC children credit against state child support debt for satisfactorily participating in JOBS.
Date Received: 1/30/95
Type: AFDC
Current Status: Pending
Contact Person: Greg Vadner, (314) 751–3124

Project Title: Montana—Achieving Independence for Montanans
Description: Would establish: (1) Job Supplement Program consisting of a set of AFDC-related benefits to assist individuals at risk of becoming dependent upon welfare; (2) AFDC Pathways Program in which all applicants must enter into a Family Investment Contract and adults' benefits would be limited to a maximum of 24 months for single parents and 18 months for AFDC-UP families; and (3) Community Services Program requiring 20 hours per week for individuals who reach the AFDC time limit but have not achieved self-sufficiency. The office culture would also be altered in conjunction with a program offering a variety of components and services; and simplify/unify AFDC and Food Stamp intake/eligibility process by: 1) eliminating AFDC deprivation requirement and monthly reporting and Food Stamp retrospective budgeting; 2) unifying program requirements; 3) simplifying current income disregard policies. Specific provisions provide for cashing out food stamps, expanding eligibility for two-parent cases, increasing earned income and child care disregards and resource limits, and extending transitional child care.
Date Received: 4/19/94
Type: Combined AFDC/Medicaid
Current Status: Pending
Contact Person: Penny Robbe, (406) 444–1917

Project Title: New Hampshire—Earned Income Disregard Demonstration Project
Description: AFDC applicants and recipients would have the first $200 plus ½ the remaining earned income disregarded.
Date Received: 9/20/93
Type: AFDC
Current Status: Pending
Contact Person: Avis L. Crane, (603) 271–4255

Waiver Title: New Mexico—Untitled Project
Description: Would increase vehicle asset limit to $4500; disregard earned income of students; develop an AFDC Intentional Program Violation procedure identical to Food Stamps; and allow one individual to sign declaration of citizenship for entire case.
Date Received: 7/7/94
Type: AFDC
Current Status: Pending
Contact Person: Scott Chamberlin, (505) 827–7254

Project Title: North Dakota—Training, Education, Employment and Management Project
Description: Would require families to develop a social contract specifying time-limit for becoming self-sufficient; combine AFDC, Food Stamps and LIHEAP into single cash payment with simplified uniform income, expense and resource exclusions; increase income disregards and exempt stepparent's income for six months; increase resource limit to $5000 for one recipient and $8000 for families with two or more recipients; exempt value of one vehicle; eliminate 100-hour rule for AFDC-UP; impose a progressive sanction for non-cooperation in JOBS or with child support; require a minimum of 32 hours of paid employment and non-paid work; require participation in EPSDT; and eliminate child support pass-through.
Date Received: 9/9/94
Type: AFDC
Current Status: Pending
Contact Person: Kevin Iverson, (701) 224–2729

Project Title: Oregon—Expansion of the Transitional Child Care Program
Description: Provide transitional child care benefits without regard to months of prior receipt of AFDC and provide benefits for 24 months.
Date Received: 8/8/94
Type: AFDC
Current Status: Pending
Contact Person: Jim Neely, (503) 945–5607

Waiver Title: Oregon—Increased AFDC Motor Vehicle Limit
Description: Would increase automobile asset limit to $9000.
Date Received: 11/12/93
Type: AFDC
Current Status: Pending
Contact Person: Jim Neely, (503) 945–5607

Project Title: Pennsylvania—School Attendance Improvement Program
Description: In 7 sites, would require school attendance as condition of eligibility.
Date Received: 9/12/94
Type: AFDC
Current Status: Pending
Contact Person: Patricia H. O'Neal, (717) 787–4081

Project Title: Pennsylvania—Savings for Education Program
Description: Statewide, would exempt as resources college savings bonds and funds in savings accounts earmarked for vocational or secondary education and disregard interest income earned from such accounts.
Date Received: 12/29/94
Type: AFDC
Current Status: Pending
Contact Person: Patricia H. O'Neal, (717) 787–4081

Project Title: Virginia—Welfare to Work Program
Description: Statewide, would provide one-time diversion payments to qualified applicants in lieu of AFDC; change first time JOBS non-compliance sanction to a fixed period of one month or until compliance and remove the conciliation requirement; require paternity establishment as condition of eligibility; remove good cause for non-cooperation with child support and exclude from AFDC grant caretakers who cannot identify, misidentify, or fail to provide information on the father; require minor parents to live with an adult guardian; require AFDC caretakers without a high school diploma, aged 24 and under, and children, aged 13–18, to attend school; require immunization of children; allow $5000 resource exemption for savings for starting business; and increase eligibility for Transitional and At-Risk Child Care. Also: require non-exempt participants to sign an Agreement of Personal Responsibility as a condition of eligibility and assign to a work site under CWEP for a number of hours determined by dividing AFDC grant

plus the value of the family's Food Stamp benefits by the minimum wage; eliminate increased AFDC benefit for additional children born while a family received AFDC; time-limit AFDC benefits to 24 consecutive months; increase earned income disregards to allow continued eligibility up to the federal poverty level; provide 12 months transitional transportation assistance; modify current JOBS exemption criteria for participants; eliminate the job search limitation; and eliminate the deeming requirement for sponsored aliens when the sponsor receives food stamps. In 12 sites, would operate sub-component paying wages in lieu of AFDC benefits and Food Stamps for CWEP and subsidized employment, increase eligibility for transitional Medicaid; plus other provisions.

Date Received: 12/2/94

Type: Combined AFDC/Medicaid

Current Status: Pending

Contact Person: Larry B. Mason, (804) 692–1900

Project Title: Virginia—Virginia Independence Program

Description: Statewide, would provide one-time diversion payments to qualified applicants instead of AFDC; change first time JOBS non-compliance sanction to at least one month continuing until compliance and remove conciliation requirement; make paternity establishment within 6 months a condition of eligibility; suspend grant if mother is not cooperating in paternity establishment; require minor parents to live with adult guardian; eliminate benefit increase for children born while a family receives AFDC; require AFDC caretakers without a high school diploma, aged 24 and under, and children, aged 18 and under, to attend school; require child immunization; allow $5000 resource exemption for savings for starting business; increase Transitional Child Care and Transitional Medicaid eligibility; and eliminate deeming requirement for aliens when their sponsor receives food stamps. Also, VIP would phase in statewide over 4 years a work component (VIEW) that will require participants to sign an Agreement of Personal Responsibility as a condition of eligibility; assign participants to a work activity within 90 days of benefit receipt; time-limit AFDC benefits to 24 consecutive months; increase earned income disregards for continued eligibility up to the federal poverty level; disregard value of one vehicle up to $7,500; provide 12 months transitional transportation assistance; modify current JOBS participation exemption criteria; eliminate limitation on job search; assign participants involuntarily to subsidized work placements; apply full-family sanction for refusal to cooperate with work programs; subject unemployed parents to same work requirements as single recipients; and provide employer subsidies from AFDC plus the value of Food Stamps.

Date Received: 12/2/94 and 3/28/95 (Amendments)

Type: Combined AFDC/Medicaid

Current Status: New (Amendments)

Contact Person: Barbara Cotter, (804) 692–1811

Project Title: Washington—Success Through Employment Program

Description: Statewide, would eliminate the 100-hour rule for AFDC–UP families; impose a 10 percent grant reduction for AFDC recipients who have received assistance for 48 out of 60 months, and impose an additional 10 percent grant reduction for every additional 12 months thereafter, and budget earnings against the original payment standard; and hold the food stamp benefit level constant for cases whose AFDC benefits are reduced due to length of stay on assistance.

Date Received: 2/1/95

Type: AFDC

Current Status: Pending

Contact Person: Liz Begert Dunbar, (206) 438–8350

III. Listing of Approved Proposals Since March 1, 1995

Project Title: Ohio—A State of Opportunity

Contact Person: Joel Rabb, (614) 466–3196.

Project Title: Oklahoma—Mutual Agreement, A Plan for Success

Contact Person: Raymond Haddock, (405) 521–3076.

IV. Requests for Copies of a Proposal

Requests for copies of an AFDC or combined AFDC/Medicaid proposal should be directed to the Administration for Children and Families (ACF) at the address listed above. Questions concerning the content of a proposal should be directed to the State contact listed for the proposal.

(Catalog of Federal Domestic Assistance Program, No. 93562; Assistance Payments—Research.)

Dated: April 7, 1995.

Howard Rolston,

Director, Office of Policy and Evaluation.

[FR Doc. 95–8997 Filed 4–11–95; 8:45 am]

BILLING CODE 4184–01–P

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: April 28, 1995.

Time: 9:30–11:30 a.m.

Place: 6120 Executive Boulevard, Room 400C, Rockville, MD 20852.

Contact Person: Marilyn Semmes, Ph.D., Acting Chief, Scientific Review Branch, DEA, NIDCD, NIH, EPS Room 400C, 6210 Executive Boulevard, MSC 7180, Bethesda, MD 20892–7180, 301/496–8683.

Purpose/Agenda: To review and evaluate a contract proposal.

The meeting, which will be conducted as a telephone conference call, will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The application and/or proposal and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: April 6, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–8945 Filed 4–11–95; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review Small Business Innovation Research Program grant applications.

Name of SEP: Clinical Sciences.

Date: April 25–26, 1995.

Time: 8 a.m.

Place: Holiday Inn, Bethesda, MD.

Contact Person: Dr. Gopal Sharma, Scientific Review Administrator, 533 Westbard Ave., Room 219C, Bethesda, MD 20892, (301) 594–7130.

Purpose/Agenda: To review grant applications.

Name of SEP: Multidisciplinary Sciences.

Date: June 4–6, 1995.

Time: 7 p.m.

Place: Holiday Inn, Chevy Chase, MD.

Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 6701 Rockledge Drive, Room 5049, Bethesda, MD 20892–7778, (301) 594–7276.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 6, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–8944 Filed 4–11–95; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organizations, Functions and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organizations, Functions and Delegations of Authority of the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 60 FR 5940–1, January 31, 1995), is amended to reflect the establishment of the Office of Policy Coordination (OPC) within the National Center for Human Genome Research (NCHGR). The establishment of the OPC will streamline organization within the NCHGR Office of the Director, reduce the number of supervisory layers, and enable the Center to function more efficiently and effectively.

Section HN–B, Organization and Functions is amended as follows:

Under the heading *National Center for Human Genome Research (HN4),* delete the title and functional statement for *Office of Program Planning and Legislation (HN 415)* in their entirety and substitute the following:

Office of Policy Coordination (HN415).

(1) Advises the Director, Deputy Director, and senior Center staff on a broad range of policy matters; (2) develops and implements the program planning and evaluation activities of the NCHGR: (3) analyzes and tracks legislation impacting on the mission of the Center, and makes recommendations to the Director, NCHGR for legislative proposals; (4) develops a broad communications program aimed at disseminating information about the Human Genome Project and other NCHGR programs; (5) conducts and coordinates policy analysis related to the ethical, legal and social implications (ELSI) of human genome research and oversees the activities of the ELSI Working Group; (6) plans and coordinates compute network operations; and (7) coordinates all aspects of committee management, including the activities of all Congressionally-mandated committees and advisory councils.

Under the heading *Office of Human Genome Communications (HN413)* delete the title and functional statement in their entirety. The activities of this office have been incorporated into the functional statement for the Office of Policy Coordination.

Dated: March 24, 1995

Harold Varmus,

Director, NIH

[FR Doc. 95–8943 Filed 4–11–95; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Bay-Delta Advisory Council; Notice of Establishment

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the Bay-Delta Advisory Council. The purpose of the Bay-Delta Advisory Council shall be to provide advice on the development of a long-term solution for problems affecting the public values in the California San Francisco Bay, Sacramento-San Joaquin Delta and its watershed Estuary.

Further information regarding the advisory council may be obtained from the Bureau of Reclamation, Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20241.

The certification of establishment is published below.

Certification

I hereby certify that establishment of the Bay-Delta Advisory Council is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 30 U.S.C. 1–8.

Dated: January 31, 1995.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 95–9031 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[UTU–73753]

Cyprus Plateau Mining Corporation, Willow Creek North; Utah—Notice of Invitation To Participate in Coal Exploration Program

Pursuant to section 2(b) of the Mineral Leasing Act of February 25, 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201(b), and to the regulations adopted as Subpart 3410, title 43, Code of Federal Regulations, members of the public are hereby invited to participate with Cyprus Plateau Mining Corporation, in the proposed exploration of certain Federal coal deposits in the following described lands in Carbon County, Utah:

T. 12 S., R. 9 E., SLM, Utah,
Sec. 25, All;
Sec. 26, E2E2.
T. 12 S., R. 10 E., SLM, Utah,
Sec. 28, NE, NENW, S2NW, S2;
Sec. 29, N2NE, NW, NWSW, E2SE;
Sec. 30, lots 1–4, NE, E2W2, W2SE, NESE.
Containing 2,299.40 Acres, more or less.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah, 84145–0155 and to Ben Grimes, Cyprus Plateau Mining Corporation, P.O. Drawer PMC, Price, Utah 84501. Such written notice must be received within thirty days after publication of this notice in the Federal Register.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost of the exploration program. An exploration plan submitted by Cyprus Plateau Mining Corporation, detailing the scope and timing of this exploration program, is available for public review during normal business hours in the Public Room of the BLM State Office, 324 South State Street, Salt

Lake City, Utah, under Serial Number UTU–73753.

Robert A. Henricks,

Acting Deputy State Director, Mineral Resources.

[FR Doc. 95–8957 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–DQ–M

[WY–930–5420–00–K020; WYW 125654]

Recordable Disclaimer of Interest in Land; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of application for a recordable disclaimer of interest in land.

SUMMARY: Charles Byron Jenkins and Jeanne S. Jenkins of Jackson, Wyoming, have filed an application for a Recordable Disclaimer of Interest by the United States.

DATES: Comments or objections to this application should be submitted by July 11, 1995.

ADDRESSES: Send comments to Home Base Chief, Division of Land & Minerals Authorization, Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, Wyoming State Office, (307) 775–6115.

SUPPLEMENTARY INFORMATION: Pursuant to section 315 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1745 (1988), and Title 43 CFR, Subpart 1864, Charles Byron Jenkins and Jeanne S. Jenkins, have filed an application for a Recordable Disclaimer of Interest in the following described land:

Sixth Principal Meridian

T. 41 N., R. 117 W.,

That land riparian to lot 1, of section 35, lying between the meander lines shown on the Plat of Survey approved April 2, 1903, and the subsequent Plat of Survey accepted August 21, 1987, and the thread of the Snake River, excluding Parcels 52 and 53 of T. 41 N., R. 117 W., and lands riparian thereto, as described on the Photogrammetric Survey of Unsurveyed Islands and Omitted Land Areas, Snake River, Wyoming, 1974, now described as Tracts 67 and 68 of T. 41 N., R. 117 W., on Plat of Survey accepted August 21, 1987.

The Bureau of Land Management has determined that the United States has no claim to nor interest in the above described land and issuance of the proposed disclaimer would help remove a cloud on the title to that land.

For a period of 90 days from date of publication of this notice, interested persons may submit written comments on or objections to the proposed disclaimer. If no objections are submitted, the disclaimer will be issued to Charles Byron Jenkins and Jeanne S. Jenkins, their successors or assigns, after the 90 day comment period ends.

Dated: April 5, 1995.

Michael Madrid,

Home Base Acting Chief, Division of Land & Minerals Authorization.

[FR Doc. 95–8982 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–22–P

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–800745

Applicant: Exotic Feline Breeding Compound, Inc., Rosamond, CA.

The applicant requests a permit to import one captive-born female Amur leopard (*Panthera pardus orientalis*) from Tierpark Berlin, Germany, for the purpose of enhancement of the survival of the species through propagation.

PRT–800746

Applicant: Exotic Feline Breeding Compound, Inc., Rosamond, CA.

The applicant requests a permit to import one captive-born Amur leopard (*Panthera pardus orientalis*) from Cricket St. Thomas Wildlife Park, Somerset, England, for the purpose of enhancement of the survival of the species through propagation.

PRT–691840

Applicant: Atkinson Brothers Animal Acts, Davenport, FL.

The applicant requests reissuance of their permit to export and re-import one male and three female captive-bred leopards (*Panthera pardus*) and one male and one female captive-bred tiger (*Panthera tigris*) for the purpose of enhancement of the survival of the species through conservation education. The applicant requests the addition of one male captive-bred leopard to this permit.

PRT–800955

Applicant: Georgia State Univ., Language Research Center, Decatur, GA.

The applicant requests a permit to import one captive-held male bonobo (*Pan paniscus*) from Japan Monkey Centre, Aichi, Japan, for the purpose of enhancement of the survival of the species through propagation.

PRT–758093

Applicant: Florida Marine Research Institute, St. Petersburg, FL.

The applicant requests reissuance of a permit to import tissue, blood, salvaged parts and stomach content samples from green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*) and hawksbill sea turtle (*Eretmochelys imbricata*) as part of an ongoing scientific research project to enhance the survival of the species.

PRT–800958

Applicant: George Hlavac, Oakbrook, IL.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaiscus dorcas dorcas*) culled from the captive herd maintained by Mr. H. Kock, ''Verborgenfontein'', Richmond, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT–800935

Applicant: James Smith, Plancentia, CA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaiscus dorcas dorcas*) culled from the captive herd maintained by the Ciskei government, the Tsolwana Game Reserve, Tarkastad, Republic of South Africa, for the purpose of enhancement of survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: April 7, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95–8976 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–55–P

Receipt of Applications for Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

PRT–800533

Applicant: Dr. Theodore H. Fleming, University of Miami, Coral Gables, Florida.

The applicant requests a permit to take lesser long-nosed bats (*Leptonycteris curasoae*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days from the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESSES** above.)

James A. Young,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–8979 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Application(s) for Permit

The following applicant(s) have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

PRT–800892

APPLICANT: Mr. David C. Keller, Los Alamos National Laboratory, Los Alamos, New Mexico.

The applicant requests a permit to take Mexican spotted owl (*Strix occidentalis lucida*) and southwestern willow flycatchers (*Empidonax traillii extimus*) that occur on Los Alamos National Laboratory and adjacent lands in New Mexico for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–800894

APPLICANT: Mr. Joseph A. Grzybowski, Norman, Oklahoma.

The applicant requests a permit to take black-capped vireos (*Vireo atricapillus*) that occur in several counties in Oklahoma for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–800897

APPLICANT: Ms. Cornelia Pasche, Houston, Texas

The applicant requests a permit to take red-cockaded woodpeckers (*Picoides [=Dendrocopos] borealis*) that occur in northwest Harris County, Texas for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–800899

APPLICANT: Mr. Eric J. Berg, Fort Collins, Colorado.

The applicant requests a permit to take several endangered/threatened speciew that occur along the DSE pipeline in New Mexico and Texas for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–800900

APPLICANT: Sherri L. Kuhl, Lower Colorado River Authority, Austin, Texas.

The applicant requests a permit to take several endangered/threatened species that occur within Lower Colorado River Authority lands and ROW in Texas for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days for the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESS** above.)

James A. Young,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–8980 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–55–M

Notice of Receipt of Applications for Approval

The following applicants have applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: International Aviculturists Society, c/o W. R. Porter, Memphis, TN. The applicant wishes to establish a cooperative breeding program for the Hyacinth macaw (*Anodorhynchus hyacinthinus*). Mr. Porter wishes to be an active participant in this program with several other private individuals. The International Aviculturists Society has assumed the responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: April 5, 1995.

Dr. Susan Lieberman,

Chief, Branch of Operations, Office of Management Authority.

[FR Doc. 95–8977 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–55–P

Finding of No Significant Impact for an Incidental Take Permit for the Construction of a Single Family Residence at Lot 37, Section 4, Block D, Jester Point 2 Subdivision, Travis County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment for issuance of a Section 10(a)(1)(B) permit for the incidental take of the Federally endangered golden-cheeked warbler (*Dendroica chrysoparia*) during the construction and operation of a single-family residence in Travis County, Texas.

Proposed Action

The proposed action is the issuance of a permit under Section 10(a)(1)(B) of the Endangered Species Act to authorize the incidental take of the golden-cheeked warbler.

The Applicant plans to construct a single-family residence at Lot 37, Section 4, Block D, Jester Point 2 Subdivision. The proposed development will comply with all local, State, and Federal environmental regulations addressing environmental impacts associated with this type of development. Details of the mitigation are provided in the Lot 37, Section 4, Block D, Jester Point 2 Subdivision, Travis County, Texas, Environmental Assessment/Habitat Conservation Plan. Guarantees for implementation are provided in the Agreement. These conservation plan actions ensure that the criteria established for issuance of an incidental take permit will be fully satisfied.

Alternatives Considered

1. No action,
2. Proposed action,
3. Sale of this property and the purchase of another parcel to develop,
4. Alternative site design,
5. Wait for issuance of a regional Section 10(a)(1)(B) permit.

Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plan, the Service has determined that this action is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permit for the construction and operation of the single-family residence at Lot 37, Section 4, Block D, Jester Point 2 Subdivision, Travis County, Texas.

Lynn B. Starnes,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–8978 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–55–M

Garrison Diversion Unit Federal Advisory Council Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Garrison Diversion Unit Federal Advisory Council established under the authority of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99–0294, May 12, 1986). The meeting is open to the public. Interested persons may make oral statements to the council or may file written statements for consideration.

DATES: The Garrison Diversion Unit Federal Advisory Council will meet from 1:30 p.m. to 4:30 p.m. on Tuesday, April 25, and from 8 a.m. to 11 a.m. on Wednesday, April 26, 1995.

ADDRESSES: The meeting will be held at the Dakota Inn, I–94/Highway 281 South, Jamestown, North Dakota.

FOR FURTHER INFORMATION CONTACT:

Dr. Grady Towns, Ecological Services, at (303) 236–8186.

SUPPLEMENTARY INFORMATION: The Garrison Diversion Unit Federal Advisory Council will consider and discuss subjects such as the Kraft Slough status and acquisition, the Garrison Diversion Unit project update and wildlife budget, Garrison Collaborative Process, Wetland Trust, Oakes Test Area, mitigation and enhancement, and Lonetree land acquisition.

Dated: April 5, 1995.

Elliott N. Sutta,

Acting Regional Director.

[FR Doc. 95–8981 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Sudbury, Assabet and Concord Rivers Wild and Scenic Study Massachusetts; Sudbury, Assabet and Concord Rivers Study Committee; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–63, 86 Stat. 770, 5 U.S.C. App. l Section 10), that there will be a meeting of the Sudbury, Assabet and Concord Rivers Study Committee on Thursday, May 18, 1995.

The Committee was established pursuant to Public Law 101–628. The purpose of the Committee is to consult with the Secretary of the Interior and to advise the Secretary in conducting the study of the Sudbury, Assabet and Concord River segments specified in Section 5 (a) (110) of the Wild and Scenic Rivers Act. The Committee shall also advise the Secretary concerning management alternatives, should some or all of the river segments studied be found eligible for inclusion in the National Wild and Scenic Rivers System.

The meeting will be held at 7:30 p.m., Thursday, May 18, 1995, at the Great Meadows National Wildlife Refuge Headquarters Weir Hill Road, Sudbury Massachusetts. Driving Directions: From south, take Rte. 27 to Water Row in Sudbury, turn right at end on to Lincoln Rd., left on Weir Hill Rd., follow signs to GMNWR Headquarters. From north, take Concord Rd. to Lincoln Rd., turn left, follow Lincoln Rd. to Weir Hill Rd., turn left, follow signs to headquarters building. Or, take Rte 126 north or south to Sherman's Bridge Rd. in Wayland, cross Sudbury River, turn right on Weir Hill Rd.

The agenda is as follows:

I. Welcome and introductions, approval of minutes from 03/16/95 meeting

II. Brief questions and comments from public

III. Report on Town Meeting Votes—Town Representatives

IV. Next steps: Legislation and Study Report—Cassie

V. Issues of Local Concern

VI. Other Business

Adjournment

Interested persons may make oral/written presentations to the Committee during the business meeting or file written statements. Further information concerning the meeting may be obtained from Cassie Thomas, Planner, National Park Service, 15 State Street, Boston, MA 02109 or call (617) 223–014.

Dated: April 4, 1995.

Terry Savage,

Acting Regional Director.

[FR Doc. 95–8916 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–731 (Preliminary)]

Bicycles from China

AGENCY: International Trade Commission.

ACTION: Institution and scheduling of a preliminary antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–731 (Preliminary) under section 733(a) of the Tariff Act of 1930, as amended by Section 212(b) of the Uruguay Round Agreements Act (URAA), Pub. L. 103–465, 108 Stat. 4809 (1994) (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of bicycles, provided for in subheadings 8712.00.15, 8712.00.25, 8712.00.35, 8712.00.44, and 8712.00.48 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. The Commission must complete preliminary antidumping investigations in 45 days, or in this case by May 22, 1995. The Commission's views are due at the Department of Commerce within 5 business days thereafter, or by May 30, 1995.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: April 5, 1995.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–205–3185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. Information can also be obtained by calling the Office of Investigations' remote bulletin board system for personal computers at 202–205–1895 (N,8,1).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on April 5, 1995, by Huffy Bicycle Company, Dayton, OH; Murray Ohio Manufacturing Co., Brentwood, TN; and Roadmaster Corp., Olney, IL.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on April 26, 1995, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Larry Reavis (202–205–3185) not later than April 25 to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 1, 1995, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII, as amended by the URAA. This notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 6, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–8991 Filed 4–11–95; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 701–TA–360 and 361 (Final) and 731–TA–688 through 695 (Final)]

Certain Carbon Steel Butt-Weld Pipe Fittings From France, India, Israel, Malaysia, The Republic of Korea, Thailand, The United Kingdom, and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from India or Israel of certain

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

carbon steel butt-weld pipe fittings, provided for in subheading 7307.93.30 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be subsidized by the Governments of India and Israel. The Commission also determines pursuant to section 735(b) of the Act that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from France,[2] India, Israel, Malaysia, the Republic of Korea, Thailand,[3] the United Kingdom, or Venezuela of certain carbon steel butt-weld pipe fittings that have been found by the Department of Commerce to be sold in the United States at LTFV.

Background

The Commission instituted countervailing duty investigations Nos. 701–TA–360 and 361 (Final) effective June 1, 1994, following preliminary determinations by the Department of Commerce that imports of certain carbon steel butt-weld pipe fittings from India and Israel were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. § 1671b(b)). The antidumping duty investigations (invs. Nos. 731–TA–688 through 695 (Final)) were instituted effective October 3, 1994, following preliminary determinations by the Department of Commerce that imports of certain carbon steel butt-weld pipe fittings from France, India, Israel, Malaysia, the Republic of Korea, Thailand, the United Kingdom, and Venezuela were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the Federal Register of July 20, 1994 (59 FR 37054) and October 19, 1994 (59 FR 52806).[4] The hearing was held in Washington, DC, on February 28, 1995, and persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on April 3, 1995. The views of the Commission are contained in USITC Publication 2870 (April 1995) entitled ''Certain Carbon Steel Butt-Weld Pipe Fittings from France, India, Israel, Malaysia, the Republic of Korea, Thailand, the United Kingdom, and Venezuela: Investigations Nos. 701–TA–360 and 361 (Final) and 731–TA–688 through 695 (Final).''

Issued: April 6, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–8992 Filed 4–11–95; 8:45 am]

BILLING CODE 7020–02–P

[2] Commissioner Don E. Newquist did not participate in this investigation.

[3] Only the certain carbon steel butt-weld pipe fittings exported by Awaji Sangyo (Thailand) Co., Ltd. from Thailand were found to be sold in the United States at less than fair value (LTFV). All other producers and exporters of such product in Thailand are subject to a 1992 antidumping order currently in effect.

[4] Notice of the Commission's revised schedule for the subject countervailing and antidumping duty investigations was published on November 30, 1994 (59 FR 61342).

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–167 (Sub-No. 1143]

Consolidated Rail Corporation—Abandonment—Between North Warren and Kent, in Trumbull and Portage Counties, OH

The Commission has issued a certificate authorizing Consolidated Rail Corporation to abandon its 28.95-mile rail line, known as the Freedom Secondary, between milepost 161.10 at North Warren and milepost 190.05 near Kent, in Trumbull and Portage Counties, OH, subject to environmental, historic, labor protective, and public use conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to continue; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from the publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: ''Office of Proceedings, AB–OFA''. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: March 30, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 95–8974 Filed 4–11–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of the Stipulation and Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Notice is hereby given that on March 28, 1995, a proposed Stipulation and Settlement Agreement in In Re Carl Subler Trucking, Inc., et al., (S.D. Ohio, Bankruptcy Ct., Case Nos. 3–87–02026), was lodged with the United States Bankruptcy Court for the Southern District of Ohio. The United States, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9607, seeks recovery of past response costs incurred and costs to be incurred by the United States in connection with the Peak Oil Superfund Site, Tampa, Florida (the ''Site''). The Site is located in Hillsborough County, Florida, and occupies approximately 4 acres. From the mid-1950's until the mid-1980's, the Site was used for recovery and storage of waste oil.

The Stipulation and Settlement Agreement in In Re Carl Subler Trucking, Inc., et al, provides that the Debtor will pay a total of $25,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation and Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530. Comments should refer to In Re Carl Subler Trucking, Inc., et al, D.O.J. Ref. 90–11–2–897F.

The proposed Stipulation and Settlement Agreement may be examined at the Office of the United States Attorney, Southern District of Ohio, 200 W. Second Street, Rm. 602, Dayton, Ohio 45402; Office of the U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, GA 30365; and at the Consent Decree Library, 1120 G Street NW.,

Washington, DC 20005, (202) 624–0892. A copy of the proposed Stipulation and Settlement Agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $1.50 for the Stipulation and Settlement Agreement (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–9002 Filed 4–11–95; 8:45 am]

BILLING CODE 4410–01–M

Office of the Attorney General

[AG Order No. 1962–95]

RIN 1105–AA36

Proposed Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registratioan Act

AGENCY: Department of Justice.

ACTION: Proposed guidelines.

SUMMARY: The United States Department of Justice (DOJ) is publishing Proposed Guidelines to implement the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

DATES: Comments must be received by July 11, 1995.

ADDRESSES: Comments may be mailed to Bonnie J. Campbell, Director, Violence Against Women Office, U.S. Department of Justice, Tenth and Pennsylvania Avenue, NW, Washington, DC 20530, 202–616–8894.

SUPPLEMENTARY INFORMATION: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103–322, 108 Stat. 2038 (codified at 42 U.S.C. § 14071), contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (hereafter referred to as the ''Jacob Wetterling Act'' or ''the Act''). The Act provides a financial incentive for states to establish 10-year registration requirements for persons convicted of certain crimes against minors and sexually violent offenses, and to establish a more stringent set of registration requirements for a sub-class of highly dangerous sex offenders, characterized as ''sexually violent predators.'' States that fail to establish such systems within three years (subject to a possible two year extension) face a 10% reduction in their Byrne Formula Grant funding (under 42 U.S.C. 3756), and resulting surplus funds will be reallocated to states that are in compliance with the Act.

Proposed Guidelines

These guidelines carry out a statutory directive to the Attorney General, in § 170101(a)(1), to establish guidelines for registration systems under the Act. Before turning to the specific provisions of the Act, four general points should be noted concerning its interpretation and application.

First, states that wish to achieve compliance with the Jacob Wetterling Act should understand that its requirements constitute a floor for state registration systems, not a ceiling, and that they do not risk the loss of part of their Byrne Formula Grant funding by going beyond its standards. For example, a state may have a registration system that covers a broader class of sex offenders than those identified in the Jacob Wetterling Act, or requires address verification for such offenders at more frequent intervals than the Act prescribes, or requires offenders to register for a longer period of time than the period specified in the Act.

Exercising these options creates no problem of compliance, since the provisions in the Jacob Wetterling Act concerning duration of registration, covered offenders, and other matters, do not preclude states from imposing additional or more stringent requirements that encompass the Act's baseline requirements. The general objective of the Act is to protect people from child molesters and violent sex offenders through registration requirements. It is not intended, and does not have the effect, of making states less free than they were under prior law to impose registration requiremnts for this purpose.

Second, states that wish to achieve compliance with the Jacob Wetterling Act also should understand that they may, within certain constraints, use their own criminal law definitions in defining registration requirements, and will not necessarily have to revise their registration systems to use technical definitions of covered sex offenses based on federal law. This point will be explained more fully below.

Third, the Jacob Wetterling Act contemplates the establishment of programs that will impose registration requirements on offenders who are subsequently convicted of offenses in the pertinent categories. The Act does not require states to attempt to identify and impose registration requirements on offenders who were convicted of offenses in these categories prior to the establishment of a conforming registration system. Nevertheless, the Act does not preclude states from imposing any new registration requirements on offenders convicted prior to the establishment of the registration system.

Fourth, the Act gives states wide latitude in designing registration programs that best meet their public safety needs. For instance, the Act allows states to release relevant information necessary to protect the public, including information released through community notification programs. Some state registration and notification systems have been challenged on constitutional grounds. A few courts have struck down registration requirements in certain cases. *See Rowe* v. *Burton,* No. A94–206 (D. Alaska July 27, 1994) (on motion for preliminary relief); *State* v. *Babin,* 637 So.2d 814 (La. App. 1994), *writ denied,* 644 So.2d 649 (La. 1994); *State* v. *Payne,* 633 So. 2d 701 (La. App. 1993), *writ denied,* 637 So.2d 497 (La. 1994); *In re Reed,* 663 P.2d 216 (Cal. 1983) (en banc). However, a majority of courts that have dealt with the issue have held that registration systems like those contemplated by the Jacob Wetterling Act do not violate released offenders' constitutional rights.

A few recent decisions, currently on appeal, have held that aspects of New Jersey's community notification program violate due process guarantees, or violate ex post facto guarantees as applied to persons who committed the covered offense prior to enactment of the notification statute. *See Artway* v. *Attorney General of New Jersey,* No. 94–6287 (NHP) (D.N.J. Feb. 28, 1995); *Diaz* v. *Whitman,* No. 94–6376 (JWB) (D.N.J. Jan. 6, 1994); *John Doe* v. *Deborah Poritz,* No. BUR–1–5–95 (N.J. Super. Ct. Law Div. Feb. 22, 1995). However, the Department of Justice takes the position in briefs filed that the New Jersey community notification statute at issue in those cases does not violate the Ex Post Facto Clause, and that the Fourteenth Amendment's Due Process Clause of its own force does not require recognition of such a liberty interest on the part of offenders affected by that statute.

The remainder of these guidelines address the provisions of the Jacob Wetterling Act in the order in which they appear in § 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

General Provisions—Subsection (a)(1)–(2)

Paragraph (1) of subsection (a) of § 170101 directs the Attorney General to

establish guidelines for state programs that require:;

(A) Current address registration for persons convicted of ''a criminal offense against a victim who is a minor'' or ''a sexually violent offense,'' and

(B) Current address registration under a different set of requirements for persons who are determined to be ''sexually violent predators.''

Paragraph (2) of subsection (a) states that the determination whether a person is a ''sexually violent predator'' (which brings the more stringent registration standards into play), and the determination that a person is no longer a ''sexually violent predator'' (which terminates the registration requirement under those standards), shall be made by the sentencing court after receiving a report by a state board composed of experts in the field of the behavior and treatment of sexual offenders.

''State board'' in paragraph (2) should be understood to mean a body or group containing twos or more experts that is authorized by state law or designated under the authority of state law. Beyond the requirement that a board must be composed of experts in the field of the behavior and treatment of sexual offenders, the Act affords states discretion concerning the selection and composition of such boards. For example, a state could establish a single permanent board for this purpose, could establish a system of state-designated boards, or could authorize the designation of different boards for different courts, time periods, geographic areas or cases.

Definition of ''Criminal Offense Against a Victim Who is a Minor''—Subsection (a)(3)(A)

The Act prescribes a 10-year registration requirement for persons convicted of a ''criminal offense against a victim who is a minor''. Subparagraph (A) of paragraph (3) of subsection (a) defines the term ''criminal offense against a victim who is a minor.'' ''Minor'' should be understood to mean a person below the age of 18, consistent with the normal understanding.

The specific clauses in the definition of ''criminal offense against a victim who is a minor'' are as follows:

(1) Clauses (i) and (ii) cover kidnapping of a minor (except by a parent) and false imprisonment of a minor (except by a parent). All states have statutes that define offenses—going by such names as ''kidnapping,'' criminal restraint,'' or ''false imprisonment''—whose gravamen is abduction or unlawful restraint of a person. States can comply with these clauses by requiring registration for persons convicted of these statutory offenses whose victims were below the age of 18. The Act does not require inclusion of these offenses in the registration requirement when the offender is a parent, but states may choose to require registration for parents who commit these offenses.

(2) Clause (iii) covers offenses consisting of ''criminal sexual conduct toward a minor.'' Such offenses include convictions under general provisions defining sexually assaultive crimes—such as provisions defining crimes of ''rape,'' sexual assault,'' or ''sexual abuse''—in cases where the victim is in fact a minor. Coverage is not limited to cases where the victim's age is an element of the offense (such as prosecutions for specially defined child molestation offenses).

States can comply with clause (iii) by requiring registration for persons convicted of all statutory sex offenses under state law whose elements involve physical contact with a victim, where the victim was below the age of 18 at the time of the offense. Offenses that do not involve physical contact, such as exhibitionism, are not subject to the Act's mandatory registration requirements pursuant to clause (iii), but states are free to require registration for persons convicted of such offenses as well if they so choose.

(3) Clause (iv) covers offenses consisting of solicition of a minor to engage in sexual conduct. This covers any conviction for an offense involving the solicitation of conduct that would be covered by clause (iii) if carried out.

(4) Clause (v) covers offenses consisting of using a minor in a sexual performance. This includes both live performances and using minors in the production of pornography.

(5) Clause (vi) covers offenses consisting of solicition of a minor to practice prostitution.

(6) Clause (vii) covers offenses consisting of any conduct that by its nature is a sexual offense against a minor. This clause is intended to insure uniform coverage of convictions under statutes defining sex offenses in which the status of the victim as a minor is an element of an offense, such as specially defined child molestation offenses, and other offenses prohibiting sexual activity with underage persons. States can comply with this clause by including convictions under these statutes uniformly in the registration requirement.

(7) Considered in isolation, clause (viii) gives states discretion whether to require registration for attempts to commit offenses described in clauses (i) through (vii). However, any verbal command or attempted persuasion of the victim to engage in sexual conduct would bring the offense within the scope of the solicitation clause (clause (iv)), and make it subject to the Act's mandatory registration requirements. Morever, this provision must be considered in conjunction with the Act's requirement of registration for persons convicted of a ''sexually violent offense,'' which does not allow the exclusion of attempts if they are otherwise encompassed within the definition of a ''sexually violent offense.''

Hence, state discretion to exclude attempted sexual offenses against minors from registration requirements pursuant to clause (viii) is limited by other provisions of the Act. The simplest approach for states would be to include attempted sexual assaults on minors (as well as completed offenses) uniformly as predicates for the registration requirements.

At the conclusion of the definition of ''criminal offense against a victim who is a minor,'' the Act states that (for purposes of the definition) conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger. For example, suppose that state law prohibits sexual relations with a person below the age of 16, where the defendant is more than 4 years older than the victim. Suppose further that an 18-year-old is convicted of violating this prohibition by engaging in consensual sexual relations with a 13-year-old, where the conduct would not violate state law but for the victim's age. Under the provision, if a state did not require such an offender to register, the state would still be in compliance with the Act. However, here again, states are free to go beyond the Act's baseline requirements. The exemption of certain offenders based on age from the Act's mandatory registration requirements does not bar states from including such offenders in their registration systems if they wish. Moreover, the scope of subsection (a)(3)(A)'s exemption is also limited by other provisions of the Act that require registration of persons convicted of ''sexually violent offenses'' (as defined in (a)(3)(B)), with no provision excluding younger offenders where the criminality of the conduct depends on the victim's age.

Since the Act's registration requirements depend in all circumstances on conviction of certain types of offenses, states are not required to mandate registration for juveniles who are adjudicated delinquent—as opposed to adults convicted of crimes

and juveniles convicted as adults—even if the conduct on which the juvenile delinquency adjudication is based would constitute an offense giving rise to a registration requirement if engaged in by an adult. However, states remain free to require registration for juvenile delinquents, and the conviction of a juvenile who is prosecuted as an adult does count as a conviction for purposes of the Act's registration requirements.

Definition of ''Sexually Violent Offense''—Subsection (a)(3)(B)

The Act prescribes a ten-year registration requirement for offenders convicted of a ''sexually violent offense,'' as well as for those convicted of a ''criminal offense against a victim who is a minor.''

Subparagraph (B) of paragraph (3) defines the term ''sexually violent offense'' to mean any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code, or as described in the State criminal code), or an offense that has as its elements engaging in physical contact with another person with intent to commit such an offense. In light of this definition, there are two ways in which a state could satisfy the requirement of registration for persons convicted of ''sexually violent offenses'':

First, suppose that a state has offenses in its criminal code that are designated ''aggravated sexual abuse'' and ''sexual abuse,'' or has a definitional provision in its criminal code that characterizes certain offenses (however denominated) as constituting ''aggravated sexual abuse'' and ''sexual abuse'' for registration purposes or other purposes. Such a state could comply simply by requiring registration for all offenders who are convicted of these state offenses, and all offenders convicted of any state crime that has as its elements engaging in physical contact with another person with intent to commit such an offense.

Second, a state could comply by requiring registration for offenders convicted for criminal conduct that would violate 18 U.S.C. 2241 or 2242—the federal ''aggravated sexual abuse'' and ''sexual abuse'' offenses—if subject to federal prosecution. (The second part of the definition in subparagraph (B) of paragraph (3), relating to physical contact with intent to commit aggravated sexual abuse or sexual abuse, does not enlarge the class of covered offenses under the federal law definitions, since sections 2241 and 2242 explicitly encompass attempts as well as completed offenses.)

Specifically, 18 U.S.C. 2241–42 generally proscribe non-consensual ''sexual acts'' with anyone, ''sexual acts'' with persons below the age of 12, and attempts to engage in such conduct. ''Sexual act'' is generally defined (in 18 U.S.C. 2245(2)) to mean an act involving any degree of genital or anal penetration, oral-genital or oral-anal contact, or direct genital touching of a victim below the age of 16 in certain circumstances even without penetration.

States that elect this second option—requiring registration for offenses that consist of aggravated sexual abuse or sexual abuse as defined in federal law provisions (18 U.S.C. 2241–42)—do not necessarily have to refer to these federal statutes in their registration provisions, but could alternatively achieve compliance by requiring registration for the state law offenses that encompass types of conduct proscribed by 18 U.S.C. 2241–42. Moreover, a state does not have to have sex offenses whose scope is congruent with 18 U.S.C. 2241–42 to take the latter approach. If state law does not criminalize some types of conduct that are covered by 18 U.S.C. 2241–42, then a person who engages in the conduct will not be subject to prosecution and conviction under state law, and there will be no basis for a registration requirement. On the other hand, if state sex offenses are defined more broadly than 18 U.S.C. 2241–42, then states are free to require registration for all offenders convicted under these state provisions (notwithstanding their greater breadth), and this would be sufficient to ensure coverage of convictions for criminal conduct that would violate 18 U.S.C. 2241–42 if subject to federal prosecution.

Definition of ''Sexually Violent Predator''—Subsection (a)(3)(C)–(E)

Offenders who meet the definition of ''sexually violent predator'' are subject to more stringent registration requirements than other sex offenders.

(1) Subparagraph (C) defines ''sexually violent predator'' to mean a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(2) Subparagraph (D) essentially defines ''mental abnormality'' to mean a disorder involving a disposition to commit criminal sexual acts of such a degree that it makes the person a menace to others. There is no definition of ''personality disorder'' in the Act; hence, the definition of this term is a matter of state discretion. For example, a state may choose to utilize the definition of ''personality disorder'' that appears in the Diagnostic and Statistical Manual of Mental Disorders: DSM–IV. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (4th ed. 1994).

(3) Subparagraph (E) defines ''predatory'' to mean an act directed at a stranger or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

As with other features of the Jacob Wetterling Act, the sexually violent predator provisions only define baseline requirements for states that wish to maintain eligibility for full Byrne Formula Grant funding. States are free to impose these more stringent registration requirements on a broader class of offenders, and may use state law categories or definitions for that purpose, without contravening the Jacob Wetterling Act.

As noted earlier, the Act provides that the determination whether an offender is a ''sexually violent predator'' is to be made by the sentencing court with the assistance of a board of experts. The Act does not require, or preclude, that all persons convicted of a sexually violent offense undergo a determination as to whether they satisfy the definition of ''sexually violent predator.'' It also does not specify under what conditions such an inquiry must be undertaken. A state that wishes to comply with the Act must adopt some approach to this issue, but the specifics are a matter of state discretion. For example, a state might provide that the decision whether to seek classification of an offender as a ''sexually violent predator'' is a matter of judgment for prosecutors, or might provide that a determination of this question should be undertaken routinely when a person is convicted of a sexually violent offense and has a prior history of committing such crimes.

Specifications Concerning State Registration Systems Under the Act—Subsection (b)

Paragraph (1) of subsection (b) sets out duties for prison officials and courts in relation to offenders required to register who are released from prison, or who are placed on any form of post-conviction supervised release (''parole, supervised release, or probation'').

The duties, set out in subparagraph (A) of paragraph (1), include: (i) Informing the person of the duty to register and obtaining the information required for registration (i.e., address information), (ii) informing the person that he must give written notice of a new address within 10 days to a designated state law enforcement

agency if he changes residence, (iii) informing the person that, if he changes residence to another state, he must inform the registration agency in the state he is leaving, and must also register the new address with a designated state law enforcement agency in the new state within 10 days (if the new state has a registration requirement), (iv) obtaining fingerprints and a photograph if they have not already been obtained, and (v) requiring the person to read and sign a form stating that these requirements have been explained.

Beyond these basic requirements, which apply to all registrants, subparagraph (B) of paragraph (1) of subsection (b) requires that additional information be obtained in relation to a person who is required to register as a ''sexually violent predator.'' The information that is specifically required under subparagraph (B) is the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person.

States that wish to comply with the Act will need to adopt statutes or administrative provisions to establish these duties and ensure that they are carried out. These informational requirements, like other requirements in the Act, only define minimum standards, and states may require more extensive information from offenders. For example, the Act does not require that information be obtained relating to registering offenders' employment, but states may legitimately wish to know if a convicted child molester is seeking or has obtained employment that involves responsibility for the care for children.

Paragraph (2) of subsection (b) states that the responsible officer or court shall forward the registration information to a designated state law enforcement agency. The state law enforcement agency must immediately enter the information into the appropriate state law enforcement record system and notify a law enforcement agency having jurisdiction where the person expects to reside. States that wish to achieve compliance with the Act may need to modify state record systems if they are not currently set up to receive all the types of information that the Act requires from registrants.

The state law enforcement agency is also required to immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation. No changes will be required in the national records system because the Act only requires transmission of conviction data and fingerprints, which the FBI already receives. The Act should not be understood as requiring duplicative transmission of conviction data and fingerprints to the FBI at the time of initial registration if the state already has sent this information to the FBI (e.g., at the time of conviction).

Paragraph (3) of subsection (b) relates to verification of the offender's address. In essence, annual verification of address with the designated state law enforcement agency is required for offenders generally, through the return within ten days of an address verification form sent by the agency to the registrant. However, the verification intervals are 90 days (rather than a year) for ''sexually violent predators.'' As noted earlier, these are baseline requirements which do not bar states from requiring verification of address at shorter intervals than those specified in the Act.

Paragraph (4) requires the designated state law enforcement agency to notify other interested law enforcement agencies of a change of address by the registrant. Specifically, when a registrant changes residence to a new address, the designated law enforcement agency must (i) notify a law enforcement agency having jurisdiction where the registrant will reside, and (ii) if the registrant moves to a new state, notify the law enforcement agency with which the offender must register in the new state (if the new state has a registration requirement).

Paragraph (5) further requires an offender who moves out of state to register within ten days with a designated state law enforcement agency in his new state of residence (if the new state has a registration requirement). This partially reiterates the requirements concerning notice of changes of address by the offender that were described above.

Subparagraph (A) of paragraph (6) states that the registration requirement remains in effect for ten years. As noted earlier, states may choose to establish longer registration periods.

Subparagraph (B) of paragraph (6) states that the registration requirement for ''sexually violent predators'' under the Act terminates upon a determination that the offender no longer suffers from a mental abnormality or personality disorder that would make him likely to engage in a predatory sexually violent offense. This provision does not require review of the offender's status at any particular interval. For example, a state could set a minimum period of 10 years before entertaining a request to review the status of a ''sexually violent predator,'' the same period as the general minimum registration period for sex offenders under the Act.

Moreover, this termination provision only affects the requirement that a person register as a ''sexually violent predator'' under subparagraph (B) of subsection (a)(1) of the Jacob Wetterling Act. It does not limit states in imposing more extensive registration requirements under their own laws, and does not limit any registration requirement that arises independently under other provisions of the Jacob Wetterling Act from the person's conviction of a ''criminal offense against a victim who is a minor'' or a ''sexually violent offense.''

Criminal Penalties for Registration Violations—Subsection (c)

The Act provides that a person required to register under a state program established pursuant to the Act who knowingly fails to register and keep such registration current shall be subject to criminal penalties. Accordingly, states that wish to comply with the Act will need to enact criminal provisions covering this situation as part of, or in conjunction with, the legislation defining their registration systems, if they have not already done so. If the violation by a registrant consists of failing to return an address verification form within 10 days of receipt, the state may allow a defense if the registrant can prove that he did not in fact change his residence address, as provided in subsection (b)(3)(A)(iv).

Release of Registration Information—Subsection (d)

Subsection (d) governs the disclosure of ''information collected under a State registration program.'' Restrictions on the release of information under this subsection do not constrain the release of information that a state would have independently of the operation of the registration system. For example, a state will normally have criminal history information about an offender, and will often have current address information as part of general probation or parole supervision requirements, independently of any special requirements imposed as part of the sex offender registration system. The Act does not limit the release of such information.

Subsection (d) states specifically that the information collected under a state registration program shall be treated as private data, except under specified conditions.

The first condition under which disclosure is authorized—paragraph (1)—is that ''such information may be disclosed to law enforcement agencies

for law enforcement purposes.'' This exemption permits use of the information for all law enforcement purposes, including all police, prosecutorial, release supervision, correctional, and judicial uses.

Paragraph (2) in subsection (d) says that registration information may be disclosed to government agencies conducting confidential background checks. ''Confidential'' should be understood to mean a background check where information is disclosed to an interested party or parties—such as a background check conducted by a government agency that provides information concerning prospective employees to public or private employers—as opposed to release of the information to the general public. Release to the public, and other non-law enforcement, non-background check uses, are governed by paragraph (3).

Paragraph (3) in subsection (d) says that the designated state law enforcement agency, and any local law enforcement agency authorized by the state agency, may release relevant information that is necessary to protect the public concerning a specific person required to register under this section. The Act does not impose any limitations on the standards and procedures that states may adopt for determining when public safety necessitates community notification. For example, states could implement this authority by engaging in particularized determinations that individual offenders are sufficiently dangerous to require community notification concerning the offender's presence. Alternatively, states could make categorical judgments that protection of the public necessitates community notification with respect to all offenders with certain characteristics or in certain offense categories.

Releases of information for public-protection purposes short of general community notification—such as giving notice about an offender's location to the victims of his offenses, or to agencies or organizations in specified categories—are also permitted under paragraph (3).

The language in paragraph (3), like that in paragraphs (1) and (2), is permissive, and does not require states to release information. Paragraph (3) also does not deprive states of the authority to exercise centralized control over the release of information, or if the state prefers, to generally authorize local agencies to release information as necessary. In addition to permitting proactive community notification and other notification, as discussed above, paragraph (3) and other provisions of the Act do not bar states from making registration information available upon request, if it is determined that such access is necessary for the protection of the public concerning persons who are required to register.

A proviso at the end of paragraph (3) in subsection (d) states that the identity of the victim of an offense that requires registration under the Act shall not be released.

The purpose of this proviso is to protect the privacy of victims, and its restrictions may accordingly be waived at the victim's options. The proviso only applies to paragraph (3), and does not limit the disclosure of victim identity pursuant to paragraphs (1) and (2), relating to law enforcement uses and confidential background checks.

Immunity for Good Faith Conduct—Subsection (e)

Subsection (e) states that law enforcement agencies, employees of law enforcement agencies, and state officials shall be immune from liability for good faith conduct under the Act.

Compliance—Subsection (f)

States have three years from the date of enactment to come into compliance with the Act unless the Attorney General grants an additional two years where a state is making good faith efforts at implementation. States that fail to come into compliance within the specified time period will be subject to a mandatory 10% reduction of Byrne Formula Grant funding, and any funds that are not allocated to noncomplying states will be reallocated to states that are in compliance. The reallocated funds will be distributed among complying states in proportion to their populations.

States are encouraged to submit descriptions of their existing or proposed registration systems for sex offenders in conjunction with their applications for Byrne Formula Grant funding, even prior to the expiration of the ''grace period'' provided by the Act for achieving compliance. Those submissions will enable the Department of Justice to review the status of state compliance with the Act, and to suggest any necessary changes to achieve compliance before the funding reduction goes into effect.

To maintain eligibility for full Byrne Formula Grant funding following the three-year grace period, states will be required to submit information that shows compliance with the Act in at least one program year, or an explanation of why compliance cannot be achieved within that period and a description of good faith efforts that justify an extension of time (but not more than two years) for achieving compliance. States will also be required to submit information in subsequent program years concerning any changes in sex offender registration systems that may affect compliance with the Act.

Dated: April 7, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–8966 Filed 4–11–95; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 30, 1995, Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II

The firm plans to manufacturer the controlled substances for distribution as bulk products to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than May 12, 1995.

Dated: April 4, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–8919 Filed 4–11–95; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 16, 1994, Knoll Pharmaceuticals, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Hydromorphone (9150).

The firm plans to produce Hydromorphone bulk product and finished dosage units of Dilaudid for distribution to its customers.

Any other such application and any person who is presently registered with DEA to manufacture such substances may file comments to objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than May 12, 1995.

Dated: April 4, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–8918 Filed 4–11–95; 8:45 am]

BILLING CODE @4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 30, 1995, Mallinckrodt Chemical, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Methylphenidate (1724)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine Hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium powdered (9639)	II
Opium granulated (9640)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to produce bulk finished products for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed on later than May 12, 1995.

Dated: April 4, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–8920 Filed 4–11–95; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 24, 1995, and published in the Federal Register on February 6, 1995, (60 FR 7071), Orpharm, Inc., 728 West 19th Street, Houston, Texas 77008, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methadone (9250)	II
Methadone intermediate (9254)	II
Levo-alphacetylmethadol (1948)	II

A comment was filed by a registered manufacturer in which it was stated that a hearing would not be requested if the DEA can determine that Orpharm will manufacture methadone and methadone-intermediate solely for the production of LAAM. The DEA has determined that this is the case. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 4, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–8921 Filed 4–11–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council; Notice of Meeting and Agenda

The regular Spring meeting of the Committee on Occupational Safety and Health Statistics of the Business Research Advisory Council will be held on May 4, 1995, at 1:00 p.m. The meeting will be held in Meeting Room 9 of the Postal Square Building Conference Center, 2 Massachusetts Avenue, NE., Washington, DC.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda for the meeting is as follows:

Thursday, May 4, 1995

1:00–4:00 p.m.—Committee on Occupational Safety and Health Statistics

1. Report on the demographics of injured/ill workers and the circumstances of their injuries and illnesses as reported in the 1993

Survey of Occupational Injuries and Illnesses
2. Occupational Safety and Health Administration (OSHA) data collection initiative
3. Relative Risk Indicators
4. Survey of Employer-Provided Training

The meeting is open to the public. Persons with disabilities wishing to attend should contact Constance B. DiCesare, Liaison, Business Research Advisory Council, at (202) 606–5887, for appropriate accommodations.

Signed at Washington, DC the 6th day of April 1995.

Katharine G. Abraham,

Commissioner.

[FR Doc. 95–8984 Filed 4–11–95; 8:45 am]

BILLING CODE 4510–24–M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95–31; Exemption Application No. D–09469, et al.]

Grant of Individual Exemptions; Financial Institutions Retirement Fund., et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Financial Institutions Retirement Fund (the Fund) and Financial Institutions Thrift Plan (the Thrift Plan) Located in White Plains, New York

[Prohibited Transaction Exemption 95–31; Exemption Application No. D–09469]

Exemption

Section I. Covered Transactions

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the provision of certain services, and the receipt of compensation for such services, by Pentegra Services, Inc. (Pentegra), a wholly-owned, for-profit subsidiary corporation of the Fund, to employee benefit plans (the Plans) and to their sponsoring employers (the Employers) that participate in the Fund and the Thrift Plan; provided that the following conditions are met:

(a) A qualified, independent fiduciary of the Fund determines that the services provided by Pentegra are in the best interests of the Fund and are protective of the rights of the participants and beneficiaries of the Fund;

(b) At the time the transactions are entered into, the terms of the transactions are not less favorable to Pentegra than the terms generally available in comparable arm's-length transactions between unrelated parties;

(c) Pentegra receives reasonable compensation for the provision of its services, as determined by the independent fiduciary;

(d) Prior to the offering of services, the independent fiduciary will initially review the services to be provided by Pentegra and will determine that such services are reasonable and appropriate for Pentegra, taking into account such factors as: whether Pentegra has the capability to perform such services, whether the fees to be charged reflect arm's length terms, whether Pentegra personnel have the qualifications to provide such services, and whether such arrangements are reasonable based upon a comparison with similarly qualified firms in the same or similar locales in which Pentegra proposes to operate;

(e) No services will be provided by Pentegra without the prior review and approval of the independent fiduciary;

(f) Not less frequently than quarterly, the independent fiduciary will perform periodic reviews to ensure that the services offered by Pentegra remain appropriate for Pentegra and that the fees charged by Pentegra represent reasonable compensation for such services;

(g) Not less frequently than annually, Pentegra will provide a written report to the board of directors of the Fund describing in detail the services it provided to employee benefit plans and/or their sponsoring employers that participated in the Fund and the Thrift Plan, a detailed accounting of the fees received for such services, and an estimate of the fees Pentegra anticipates it will receive during the following year from such plans and their sponsoring employers;

(h) Not less frequently than annually, the independent fiduciary will conduct a detailed review of approximately 10 percent of all completed transactions, which will include a reasonable cross-section of all services performed; such transactions will be reviewed for compliance with the terms and conditions of this exemption;

(i) Pentegra's financial statements will be audited each year by an independent certified public accountant, and such audited statements will be reviewed by the independent fiduciary;

(j) The independent fiduciary shall have the authority to prohibit Pentegra from performing services that such fiduciary deems inappropriate and not in the best interests of Pentegra and the Fund; and

(k) Each Pentegra contract with a Fund or Thrift Plan employer, or a plan of such employer, will be subject to termination without penalty by Pentegra for any reason upon not more than 90 days written notice to such employer or plan.

Section II. Recordkeeping

(1) The independent fiduciary and the Fund will maintain, or cause to be maintained, for a period of 6 years, the records necessary to enable the persons described in paragraph (2) of this Section II to determine whether the conditions of this exemption have been met, except that (a) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the independent fiduciary and the Fund or their agents, the records are lost or destroyed before the end of the six year period, and (b) no party in interest other than the independent fiduciary and the Board of Directors of the Fund shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (2) below.

(2)(a) Except as provided in section (b) of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (1) of this Section II shall be unconditionally available at their customary location during normal business hours by:

(1) Any duly authorized employee or representative of the Department or the Internal Revenue Service;

(2) Any employer participating in the Fund or any duly authorized employee or representative of such employer; and

(3) Any participant or beneficiary of the Fund or any duly authorized representative of such participant or beneficiary.

(b) None of the persons described above in subparagraphs (a)(2) and (a)(3) of this paragraph (2) shall be authorized to examine trade secrets of the independent fiduciary, the Fund, or their affiliates, or commercial or financial information which is privileged or confidential.

(3) For purposes of this Section II, references to the Fund shall also include Pentegra.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 30, 1995, at 60 FR 5700.

Written Comments: With respect to the Notice of Proposed Exemption, the Department did not receive any requests for a hearing but did receive 8 telephone inquiries and 10 written comments. With regard to the telephone inquiries, a representative of the Department spoke to the callers and provided the information sought by the callers. Most of the commentators did not raise specific objections with regard to the proposed transactions, but sought further information from the Department. A representative of the Department contacted such commentators and responded to their requests for additional information.

Several of the commentators raised the following issues:

(a) That as the Fund broadens its reach to employers other than banks and thrifts, the safety and soundness of a financially secure retirement fund should not be impaired;

(b) An objection to the additional expenses to be incurred by the Fund in connection with Pentagra; and

(c) Using the Fund as a foundation for launching a for-profit venture that may or may not be successful.

The applicant responded by stating that in its effort to maintain favorable economies of scale in its performance, it seeks, by means of the exemption to increase the number of employers and employee benefit plans using the services of the Fund, and thereby, ensure the sound financial condition of the Fund and its ability to meet its benefit obligations to participants. In addition, the applicant states that the operation of Pentegra will be under the aegis of the qualified, independent fiduciary who is required to provide its prior review and approval of any new service offered by Pentegra to employee benefit plans sponsored by employers that participate in the Fund or the Thrift Plan, or to such employers themselves. In addition to its initial review of the services performed by Pentegra, the independent fiduciary will be required to perform periodic and annual reviews of such services to ensure that the services offered by Pentegra remain appropriate for Pentegra to provide. Also, the independent fiduciary will have the authority to prohibit Pentegra from undertaking and performing services that the independent fiduciary deems inappropriate and not in the best interests of Pentegra and the Fund.

The applicant has requested that the exemption be effective as of January 30, 1995, the date the Notice of Pendency was published in the Federal Register. The Department has agreed to the applicant's request.

Accordingly, after consideration the entire record, including the telephone inquiries and written comments submitted, and the applicant's response, the Department has determined to grant the exemption as it was proposed.

EFFECTIVE DATE: This exemption is effective on January 30, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. C. E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Profit Sharing Plan for Employees of Annis, Mitchell, Cockey, Edwards & Roehn, P.A. (the Plan) Located in Tampa, Florida

[Prohibited Transaction Exemption 95–32; Exemption Application No. D–09906]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale by the Plan to Annis, Mitchell, Cockey, Edwards & Roehn, P.A. (the Employer), of the Plan's interest (the Interest) in a limited partnership (the Partnership), for $40,000 in cash, provided the following conditions are satisfied: (a) The sale is a one-time transaction for cash; (b) no commissions or other expenses are paid by the Plan in connection with the sale; and (c) the Plan receives not less than the fair market value of the Interest as of the date of the sale as determined by a qualified, independent expert.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on February 10, 1995 at 60 FR 8092.

Written Comments: The Department received one written comment with respect to the proposed exemption, which was submitted by the applicant to correct an erroneous representation. The applicant had represented that no shareholder or employee of the Employer individually purchased an interest in the Partnership (see rep. 2 of the notice of proposed exemption). Subsequent to the publication of the proposed exemption, the applicant learned that one shareholder (the SH) of the Employer owns a one-quarter unit interest in the Partnership. The SH acquired his interest at the same time that the Plan acquired its interest, on June 30, 1988. At that time, the SH was not a shareholder of the Employer, but he became one in March of the following year. The applicant represents that the SH was not a trustee of the Plan, nor was he otherwise involved in making investment decisions on behalf of the Plan in 1988, when the Plan acquired its Interest. The applicant further represents that the SH has not participated in any deliberation or decision on behalf of the Plan as to

whether to retain or sell the Plan's Interest.

The Department has considered the entire record, including the written comment submitted by the applicant, and has determined to grant the exemption as it was proposed.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 6th day of April, 1995.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 95–8915 Filed 4–11–95; 8:45 am]

BILLING CODE 4510–29–P

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

1. Type of submission, new, revised, or extension: Revision.

2. The title of the information collection: Proposed Rules, 10 CFR Part 52, Appendix A, ''Design Certification Rule for the U.S. Advanced Boiling Water Reactor,'' and Appendix B, ''Design Certification Rule for the System 80+ Design.''

13. The form number if applicable: Not applicable.

4. How often is the collection required: Quarterly until the applicant or licensee receives either an operating license under 10 CFR 50, or the Commission makes its findings under 10 CFR 52.103.

5. Who will be required or asked to report: Applicant and holders of construction permits and combined licenses.

6. An estimate of the number of annual respondents: None anticipated in the next three years.

7. An estimate of the number of hours needed annually to complete the requirement or request: For both Appendix A and B, 0 burden hours are anticipated over the next three years. However, when utilized, 8 hours per respondent for reporting will be required.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Applicable.

9. Abstract: The standard design certification rule (10 CFR 52) was codified to establish procedures, standards and criteria governing standard design certification, including informal submittal and recordkeeping requirements. Appendices A–L to Part 52 are reserved to constitute the standard design certification for evolutionary and passive light water reactor design. These proposed rules will certify the Advanced Boiling Water Reactor (ABWR) and System 80+ Standard designs, will be mandatory for those applicants proposing to use Appendix A or B, and will ensure the safety of the public.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs (3150–0151), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance Office, is Brenda Jo Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 6th day of April, 1995.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 95–8971 Filed 4–11–95; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 17, 1995, through March 31, 1995. The last biweekly notice was published on March 29, 1995 (60 FR 16181).

Notice Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The Commission has made a proposed determination that the following amendment requests involve

no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By May 12, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram

Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, IllinoisDocket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: March 23, 1994, as supplemented on July 26, 1994, February 15, 1995, and February 28, 1995.

Description of amendment request: In the submittals of March 23 and July 26, 1994, the licensee requested revisions to the plants' technical specifications (TSs) to permit the use of a slightly positive reactor core moderator temperature coefficient (MTC). The February 15, 1995, submittal requested approval to expand the operating limits report (OLR) to include a cycle specific MTC value and requested approval to maintain the MTC value within the limits specified in the OLR. The maximum upper MTC limit would be specified in the TSs. The February 28, 1995, submittal provided a revised Significant Hazards Consideration. This supplements the information that was published in the Federal Register on August 31, 1994 (59 FR 45037).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

An analysis program was pursued by Commonwealth Edison to justify a positive MTC, reduced reactor coolant system thermal design flow, and increased steam generator tube plugging levels. This analysis identified a need for corresponding increases in the boron concentration levels in the refueling water storage tank (RWST) and safety injection accumulators to assure subcriticality requirements are met following a postulated loss-of-coolant accident (LOCA). The increases in boron concentration are based on the maximum upper limit of the MTC. The corresponding Technical Specification changes required as a result of this analysis program were previously approved by the NRC, including the increases in boron concentration limits, with the exception of the positive MTC change. The safety analyses necessary to support this program are documented in WCAP-13964. The results were reviewed by Commonwealth Edison and found to be acceptable. All Departure from Nucleate Boiling Ratio (DNBR) design limits were determined such that there was a 95 percent probability at a 95 percent confidence level that DNB would not occur on the most limiting fuel rod for any Condition I or Condition II event. The present Technical Specification limit for Nuclear Enthalpy Rise Hot Channel Factor, ... , of less than 1.65 ensures that the DNB design basis stated above would be met, thus fuel integrity will not be challenged.

The accidents which are sensitive to MTC were analyzed as part of the overall program and the results were found to be acceptable. The safety functions of the evaluated systems and components remain unchanged. The analysis performed using the increased MTC value does not affect the integrity of the safety related systems and components such that their function to control radiological consequences is affected and all fission barriers will remain intact. The effects on offsite doses have been considered. The incorporation of a positive MTC, in conjunction with the previously approved reduction in reactor coolant system thermal design flow rate and increase in steam generator tube plugging levels, will result in a small increase in offsite doses; however, the total doses remain a small fraction of the 10 CFR 100 limits. As such, the accident analysis acceptance criteria continue to be satisfied.

On a cycle-by-cycle basis, a deterministic evaluation of the impact on ATWS risk will be performed. An Unfavorable Exposure Time (UET) will be calculated, where UET is defined as the amount of time during the operating cycle for which the reactivity feedback is not sufficient to prevent Reactor Coolant System (RCS) pressure from exceeding 3200 psig for a given plant configuration. The UET methodology is consistent with the Westinghouse Owner's Group methodology presented in WCAP 11992, ''ATWS Rule Administration Process'' and WCAP 11993, ''Assessment of Compliance with ATWS Rule Basis for Westinghouse PWRs''. Corrective actions will be taken, as necessary, to assure a UET of less than 5 percent of cycle length.

The relocation of the cycle-specific core operating limits for the MTC from the Technical Specifications has no influence or impact on the probability or consequences of any accident previously evaluated. Byron and Braidwood Stations will continue to operate within the cycle-specific MTC limits contained in the OLR. The proposed amendment will require exactly the same action to be taken when the OLR limits are exceeded as are required by the current Technical Specification. Any change to the MTC values in the OLR will be performed based on NRC-approved methodology as delineated in Section 6.9.1.9 of the Technical Specifications. Each accident analysis addressed in the Updated Final Safety Analysis Report (UFSAR) will be examined with respect to changes in cycle dependent parameters, which are obtained from application of NRC-approved reload design methodologies, to ensure that the transient evaluation of new reloads are bounded by previously accepted analysis. This examination, which will be performed under the requirements of 10 CFR 50.59, ensures that future reloads will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, implementation of a positive MTC will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different type of accident from any accident previously evaluated.

The methodology and manner of plant operation as a result of the proposed changes is unaffected. Implementation of a positive MTC does not impact the safe operation of the reactor provided that the Limiting Conditions for Operation (LCOs) and the associated action requirements are satisfied. The assumptions do not create any new failure modes that could adversely impact safety related equipment. The reload safety limits and LCOs in the plant Technical Specifications will be evaluated and satisfied for each future reload core design via the 10 CFR 50.59 process. All DNBR limits have been satisfied. Currently installed equipment will not be operated in a manner different than previously designed. No new credible limiting single failure has been created. No new or different accidents or failure modes have been identified for any systems or components important to safety.

The relocation of the cycle specific MTC values to the OLR will not create the possibility of a new or different type of accident. No safety related equipment or safety function will be altered as a result of this proposed change. The cycle specific values are calculated using NRC-approved methods and submitted to the NRC to allow the Staff to continue to trend these limits. The Technical Specifications will continue to require operation within the analyzed core operating limits and appropriate actions will be taken, when, or if, the limits are exceeded.

Therefore, there is not a potential for creating the possibility of a new or different type of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The performance and integrity of the evaluated safety related systems and components are not affected by the proposed change to the MTC. The radiological consequences of all previously analyzed accidents remain within acceptable limits. The proposed change to the MTC will have no effect on the availability, operability, or performance of the evaluated safety related systems or components. The incorporation of a positive MTC, in conjunction with the previously approved reduction in reactor coolant system thermal design flow rate and increase in steam generator tube plugging levels, will result in a small increase in offsite doses; however, the total doses remain a small fraction of the 10CFR100 limits. The methodology, discussed in Attachment E, describes the determination and use of the UET values in the calculation of the Primary Pressure Relief node for the ATWS event tree to determine an overall ATWS risk value. The methodology will be used by ComEd to ensure that a core designed with a positive MTC will not result in an unacceptable risk to core damage frequency due to an ATWS event. The margin of safety associated with the licensing basis safety analysis is not significantly reduced by the proposed changes. All acceptance criteria for the specific UFSAR Chapter 15 safety analyses (non-LOCA and LOCA) have been satisfactorily evaluated and verified using NRC approved methodologies.

The margin of safety is not affected by the relocation of the cycle specific MTC limits from the Technical Specifications. The proposed amendment continues to require operation within the core limits as determined by the NRC-approved reload design and safety analysis methodologies. Appropriate actions will be taken, when, or if, limits are exceeded.

The development of the MTC limits for future reloads will continue to conform to those methods described in the NRC-approved documentation. In addition, each future reload will involve a 10 CFR 50.59 safety review to assure that operation of the unit within the cycle specific limits will not involve a reduction in the margin of safety as defined in the basis for any Technical Specification.

Therefore, there is no significant reduction in the margin of safety as defined in the bases of any Technical Specification.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: October 20, 1992

Description of amendment request: The proposed amendment would comply with the requirements of Amendment 135 to the Palisades Operating License, dated February 11, 1991, which included a change to Technical Specification 5.3.1a, Primary Coolant System. The safety evaluation for Amendment 135 included a requirement that changes to Section 4.2 of the Palisades Final Safety Analysis Report (FSAR) be made through a formal amendment process. The proposed FSAR change is a result of the steam generator replacement project and includes the following: (1) deletion of a design load since this was not treated as a necessary design condition in the new steam generators; (2) a change in the feedwater temperature from 70°F to 40°F, since this assumption was changed in the analysis for the replacement steam generators; and (3) editorial changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following summary supports the finding that the proposed change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of an accident previously evaluated in the FSAR will not be increased by deleting the design load change of 15% per minute or decreasing the minimum feedwater temperature from 70°F to 40°F. There is no design requirement that the plant be capable of 15% per minute load changes. No accident has as an initial condition a 15% per minute load change taking place, and since this FSAR change is the result of the replacement steam generators design, no accident probabilities are increased. The 40°F feedwater temperature affects the steam generators, but nothing else is affected in the primary coolant system (PCS). The replacement steam generators have been shown by the design analysis report to be able to withstand the same number of cycles of the addition of 40°F water as the old steam generators could with 70°F water.

The consequences of an accident previously evaluated in the FSAR are not increased by either of these two changes. Deleting the design load rate of 15% per minute deals with normal plant operation and would not affect the course of a Chapter 14 event since none of the Chapter 14 events involve power level changes with respect to the steam generators. Also, reducing the maximum design load change rate is a conservative change.

Lowering the feedwater temperature could increase the consequences of the main steam line break (MSLB) accident by increasing the likelihood of a return to power event caused by increased core cooling; however, the current FSAR analysis in Section 14.14 used 32°F as the auxiliary feedwater temperature and thus bounds [the] 40°F [temperature].

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The possibility of a new or different type of accident is not created by these FSAR changes. By deleting the 15% per minute load change rate from the FSAR, the operation of the plant is unaffected because the 5% per minute limit on load rate change is more limiting. There is no license requirement to be able to change power at 15% per minute except as described in the proposed FSAR deletion. Furthermore, FSAR Section 4.3.7.2 states that the pressurizer heaters cannot be uncovered by the outward surge of water following load increases; a 10% step increase and 15% ramp increase. FSAR Section 1.2.4.9.a states that the nuclear steam supply system (NSSS) is capable of a ramp change from 15% to 100% power at 5% per minute, and at a greater rate over smaller load changes up to a step change of 10%.

Another consideration is that the analysis for the original steam generators was not as detailed or exact as the analysis for the replacement steam generators. The thermal analysis section of the original steam generator design analysis report states for the three power change cases, 5% per minute, 15% per minute and a 10% step change, that ''... the transient thermal effects of the power changes are small and [negligible]. The situations of significance are due to cycling between steady state conditions at different power levels.'' Thus, the rate of change was not a consideration in the original design analysis. The replacement steam generator analysis calculated the transient temperature changes with respect to time, so the rate of change was considered. Therefore, the replacement steam generator analysis is more accurate, but does not consider a 15% per minute rate change. The original steam generators were not designed for 15% per minute power changes but could withstand power increases from 50% to 100% [a total of] 15,000 times without considering the rate of power change.

Reducing the analyzed feedwater temperature from 70°F to 40°F does not change the possibility of whether another type of accident or malfunction can occur since the steam generator is analyzed for this.

3. Involve a significant reduction in a margin of safety.

The margin of safety as defined by plant licensing basis is not reduced due to the replacement steam generators not being analyzed for a 15% per minute power ramp

because the 15% per minute ramp rate was not a licensing basis of the plant design. The original plant Safety Evaluation Report does not mention the design power ramp rates. The basis for Technical Specification 3.1.2 states that all components are designed to withstand the effects of cyclic loads due to primary coolant system temperature and pressure changes induced by load changes, trips, and start-ups and shutdowns. FSAR Section 4.2.2 is referenced. The change of eliminating the analyzed ability to make 15% per minute power changes does not reduce the margin of safety because:

a. the plant is not operated in a manner wherein 15% per minute power increases are made. Rapid power decreases during emergency conditions are not covered by this analysis since they are not controlled to 15% per minute but should be considered analyzed by the 500 trips or 10% step change analysis and,

b. the original steam generator did not use the ramp rate in the analysis and,

c. a 15% per minute power change from 50% to 100% power is a fairly benign change for the steam generator with respect to pressure and temperature changes as compared to heatups and cooldowns because the total changes are small.

The only requirement from the NRC with respect to the number and type of loads is contained in Section II of the NRC Standard Review Plan (SRP) 3.9.1 which states ''...The section of the applicant's SAR which pertains to transients will be acceptable if the transient conditions selected for equipment fatigue evaluation are based upon a conservative estimate of the magnitude and frequency of the temperature and pressure conditions resulting from those transients.'' ''... Transients and resulting loads and load combinations with appropriate specified design and service limits must provide a complete basis for design of the reactor coolant pressure boundary for all conditions and events expected over the service lifetime of the plant.''

In the intervening years between design of the original steam generators and the replacement steam generators, Combustion Engineering (ABB-CE) decided that a 15% per minute power ramp rate was beyond what was necessary and expected to occur. This position was acceptable to the NRC since ABB-CE letter CPC-90-170, dated October 24, 1990, states that the replacement steam generators are identical in design to the Palo Verde (Arizona Public Service) steam generators. (The ABB-CE letter was concerned with the stress analysis for steam line breaks, therefore, the reference to being identical was with respect to that stress analysis.)

The change in feedwater temperature from 70°F to 40°F maintains the margin of safety because the replacement steam generators have been shown by the design analysis report to be able to withstand the same number of cycles of the addition of 40°F water as the old steam generators could 70°F water.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201

NRC Project Director: Cynthia A. Carpenter, Acting

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: September 13, 1993

Description of amendment request: The proposed amendment would relocate audit frequencies of Section 6.5.2.8 of the Technical Specifications to the Quality Assurance Program in Section 17.2 of the Updated Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change to relocate the audit program frequency requirements to the Quality Assurance Program does not:

(1) involve a significant increase in the probability or consequences of an accident previously evaluated,

This change is administrative in nature and does not impact the operation of the plant or the plant's response to an accident. Because it will allow more flexibility in assigning resources to assess weak or declining performance areas, the plant safety performance will be improved.

(2) create the possibility of a new or different kind of accident from any accident previously evaluated,

This change is administrative in nature and does not affect the operation or design of the plant; therefore, there is no change in the possibility of a new or different kind of accident from any accident previously evaluated.

(3) involve a significant reduction in a margin of safety.

This change is administrative in nature and does not affect the operation of the plant; therefore, there is no change in the margin of safety. Relocating the audit program frequency requirements to the Quality Assurance program will allow a more dynamic and responsive audit program. Audits will be able to be scheduled more effectively based on performance and the status of related activities. This should result in a more effective audit program that will contribute to an improvement in safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226

NRC Project Director: Cynthia A. Carpenter, Acting

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, ArkansasNuclear One, Unit Nos. 1 and 2 (ANO-1&2), Pope County, Arkansas

Date of amendment request: August 30, 1994, with supplement dated January 19, 1995.

Description of amendment request: The proposed amendment changes requirements related to the site parimeter security system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, excerpts of this analysis are presented below:

Criterion 1 - Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The accident mitigation features of the plant are not affected by the proposed change. This change provides an equivalent level of protection as required by 10CFR73.55(c)(4), does not significantly decrease the effectiveness of the security program, and is adequate for preventing an unacceptable risk to public health and safety. Ample protection against a design basis security threat continues to be provided. Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from Any Previously Evaluated

This change clarifies the existing configuration of the protected area barrier at the ANO intake structure. New systems, modes of equipment operation, failure modes, or other plant perturbations are not introduced by this change. Therefore, the possibility of a new or different kind of accident from amy previously evaluated is not created.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety

This change clarifies the existing configuration of the protected area barrier at the ANO intake structure. The proposed change does not alter a safety limit, a limiting condition of operation, or a surveillance requirement on equipment to operate the plant. Adequate physical protection of the plant is maintained. Therefore, the margin of safety is not significantly reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, AR 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, DC 20005-3502

NRC Project Director: William D. Beckner

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy Center (DAEC), Linn County, Iowa

Date of amendment request: March 1, 1995

Description of amendment request: The proposed License Amendment would revise Technical Specification (TS) Sections 4.5 and 4.8 of the DAEC TS to reflect the changes to pump and valve testing criteria. The proposed amendment changes the testing frequency for certain pumps and valves in the Low Pressure Coolant Injection subsystem; Core Spray subsystems; and the Residual Heat Removal Service Water, High Pressure Coolant Injection, Emergency Service Water, and River Water Supply systems. The frequency would change from testing every three months to that specified by DAEC ASME Section XI Inservice Testing (IST) program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The affected pumps and valves in Sections 4.5 and 4.8 will continue to be tested in accordance with ASME Section XI OM-6 and OM-10. The affected pumps and valves will continue to function as before and this change will not result in a decrease in their availability to mitigate the consequences of certain accidents and transients. The proposed amendment will not affect the consequences of these accidents and transients. Therefore, the

proposed amendment does not involve a change in the probability or consequences of an accident previously evaluated.

(2) The proposed license amendment does not create the possibility of a new or different kind of accident from any previously evaluated. The safety functions of the affected pumps and valves will remain unchanged. This amendment will result in no physical changes to the affected pumps, valves or systems. Consequently, the proposed license amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) The proposed amendment will not reduce the margin of safety. The actual operation of the affected pumps and valves will remain unchanged. Testing in accordance with ASME Section XI OM-6 and OM-10 will continue to provide assurance that degradation in tested components will be detected and addressed.

The NRC staff has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401

Attorney for licensee: Jack Newman, Kathleen H. Shea, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, DC 20036-5869NRC Acting Project Director: Gail H. Marcus

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: January 24, 1995, as supplemented March 22, and March 29, 1995.

Description of amendment request: The amendment request would revise the Technical Specification Section 3.2.3.1.a and Table 2.2-1 to decrease the acceptance criterion for measured reactor coolant system (RCS) flow rate from 387,480 gallons per minute (gpm) to 371,920 gpm.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (SHC), which is presented below:

...The proposed changes do not involve an SHC because the changes would not:

1. Involve a Significant Increase in the Probability or Consequence of an Accident Previously Evaluated.

An evaluation of the 4% decrease in the RCS total flow rate limit has shown that the change does not significantly impact the design basis analyses. Therefore, the change will not increase the consequences of an accident previously evaluated.

There are no actual plant changes that will result from this technical specification change. Instead, the technical specification requirement for minimum total RCS flow rate is being changed to provide operational benefit without compromising safety. Since there are no plant changes, there is no effect on the probability of occurrence of previously evaluated accidents.

The change will have a negligible impact on the small break loss of coolant accident (LOCA) and large break LOCA analyses. The PCT [peak cladding temperature] acceptance criteria will continue to be met with the assumption of a 4% reduction in RCS flow rate.

For the steam generator tube rupture event, both the FSAR [Final Safety Analysis Report] offsite dose analysis and the margin of steam generator (SG) overfill were evaluated. It was determined that the 4% reduction in RCS flow rate will not adversely affect the offsite doses or the margin to SG overfill and, therefore, the FSAR conclusions remain unchanged.

In the evaluation of non-LOCA transients, the DNB [departure from nucleate boiling] is the most affected parameter due to a change in flow rate. It was concluded that the 4% reduction in RCS flow was acceptable and there was margin to the DNB limit.

It is concluded that there is sufficient margin to the system pressure, PCT and DNB limits to offset the effect of the 4% flow rate decrease and the calculated radiological releases associated with the analysis are not affected. Therefore, there is no effect on the consequences of previously evaluated accidents.

2. Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The low loop flow trip setpoint specified in Technical Specification Table 2.2-1 is set as a fraction of total flow. The flow fraction is not being changed and no hardware changes are required due to the reduction in minimum flow. Also, the reduction in minimum flow will not change the operation of any plant equipment and it does not modify plant operation.

Therefore, the reduction in minimum flow does not introduce any new failure modes or malfunctions and it does not create the potential for a new unanalyzed accident.

3. Involve a Significant Reduction in the Margin of Safety.

The proposed 4% decrease in the technical specification limit for total RCS flow rate will not adversely affect the results of the FSAR accident analysis, and it is concluded that this change is safe. The change does not adversely affect any equipment credited in the safety analysis, and it does not affect the probability of occurrence of any plant accident. Also, the change has a negligible impact on the PCT, and it does not increase the offsite doses or decrease the DNB below its acceptance limit.

Therefore, the change does not have any significant impact on the protective boundaries, and there is no reduction in the margin of safety as specified in the technical specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574

New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270.

NRC Project Director: Phillip F. McKee

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station,Unit No. 1, Washington County, Nebraska

Date of amendment request: March 1, 1995

Description of amendment request: The proposed amendment to the technical specifications (TS) would make administrative changes to TS 2.5, 2.8, 2.11, 3.2, and 3.10 and, in accordance with Generic Letter (GL) 93-07, ''Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans,'' to TS 5.5 and 5.8.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revisions to Technical Specifications (TS) 5.5 and 5.8 are administrative in nature and follow the guidance of Generic Letter (GL) 93-07. The review and audit functions of the site security and emergency plans and procedures will be retained in a manner that fully satisfies regulatory requirements. Therefore, the proposed revisions do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to TS 2.5 will still require backup water for the emergency feedwater storage tank to be available. However, several other available sources of water are preferred over river water, such as, the water plant demineralized water system and the outside condensate storage tank. Therefore, the proposed revision does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed deletion of TS 2.8(8) pertaining to fuel handling cranes, deletion of TS 2.11 pertaining to overhead cranes in the Containment and Auxiliary Buildings, and deletion of statements in the bases of TS 2.8 pertaining to crane interlocks does not involve a significant increase in the probability or consequences of an accident previously evaluated. Specifications 2.8(8), 2.11 and the deleted statements in the bases of Specification 2.8 need not be retained in the TS based upon Criteria 1 through 4 of the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993 (58 FR 39132).

Controls and limitations for the operation and testing of these cranes and interlocks will be incorporated into the Updated Safety Analysis Report (USAR). The requirements of TS 2.8(8) and restrictions of TS 2.11 are currently contained in Station procedures to ensure that the handling of fuel assemblies, control element assemblies (CEAs) and heavy loads is accomplished safely and effectively. These revisions make the FCS Technical Specifications more similar to Standard Technical Specifications (STS), which do not contain requirements or restrictions concerning the operation of fuel handling cranes or overhead cranes.

The revision proposed for TS 3.2, Table 3-5, Item 1 will make its surveillance frequency identical to the frequency specified in STS 3.1.5.7. The proposed frequency will require testing CEA drop times prior to reactor criticality after each removal of the reactor vessel closure head, which is the most appropriate time to perform the surveillance. The proposed frequency will ensure that the CEAs drop into the core within the time specified in the safety analysis and, therefore, does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed deletion of TS 3.2, Table 3-5, Item 5, which currently requires testing refueling system interlocks prior to the refueling outage does not involve a significant increase in the probability or consequences of an accident previously evaluated. Table 3-5, Item 5, does not need to be retained in the TS based upon Criteria 1 through 4 of the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993. Controls and limitations for testing the refueling system interlocks will be incorporated into the USAR. The requirements for testing refueling system interlocks are already contained in Station procedures. This revision makes the FCS Technical Specifications more similar to STS, which do not contain requirements or restrictions pertaining to testing refueling system interlocks.

The proposed revision to TS 3.2, Table 3-5, Item 10, ensures consistent use of terminology among the frequencies specified in Table 3-5. The proposed revision clarifies the wording and introduces additional operational flexibility such that the surveillance could be performed before 720 hours of system operation, if warranted by plant conditions or beneficial to plant operation. Therefore, the proposed revision does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The remaining TS revisions are administrative in nature in that they correct references, titles, misspelling(s), and page numbers, or revise wording to be consistent with defined intervals within the TS. Therefore, they do not increase the probability or consequences of an accident previously evaluated. None of the proposed TS revisions will impact the function or method of operation of plant systems, structures, or components.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revisions to TS 5.5 and 5.8 which delete the review and/or audit of the emergency, site security and safeguards contingency plans and implementing procedures from the TS are administrative in nature and in accordance with the guidance of GL 93-07. The proposed revisions will not affect the operation of any system, structure, or component and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision to TS 2.5 will still require a backup supply of water for the emergency feedwater storage tank to be available. However, several other available sources of water are preferred over river water, such as, the water plant demineralized water system and the outside condensate storage tank. Therefore, the proposed revision does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed deletion of TS 2.8(8) pertaining to fuel handling cranes, deletion of TS 2.11 pertaining to overhead cranes in the Containment and Auxiliary Buildings and deletion of statements in the bases of TS 2.8 pertaining to crane interlocks does not create the possibility of a new or different kind of accident from any accident previously evaluated. Specifications 2.8(8), 2.11 and the deleted statements in the bases of Specification 2.8 need not be retained in the TS based upon Criteria 1 through 4 of the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993.

The requirements of TS 2.8(8) and restrictions of TS 2.11 are currently contained in Station procedures to ensure that the handling of fuel assemblies, CEAs and heavy loads is accomplished safely and effectively. These revisions make the FCS Technical Specifications more similar to STS, which do not contain requirements or restrictions concerning the operation of fuel handling cranes or overhead cranes.

The proposed revision to TS 3.2, Table 3-5, Item 1, is an administrative revision to the frequency of CEA drop time testing. The proposed frequency is the most appropriate time to perform the surveillance to ensure that the CEAs drop into the core within the time specified in safety analysis and is identical to the frequency specified in STS 3.1.5.7. Therefore, the proposed revision does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed deletion of TS 3.2, Table 3-5, Item 5, which currently requires testing the refueling system interlocks prior to the refueling outage, does not create the possibility of a new or different kind of accident from any accident previously evaluated. Table 3-5, Item 5, does not need to be retained in the TS based upon Criteria 1 through 4 of the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993. The requirements for testing refueling

system interlocks are currently contained in Station procedures. This revision makes the FCS Technical Specifications more similar to STS, which do not contain requirements or restrictions pertaining to testing refueling system interlocks.

The proposed revision to TS 3.2, Table 3-5, Item 10, ensures consistent use of terminology among the frequencies specified in Table 3-5. The proposed revision clarifies the wording and introduces additional operational flexibility such that the surveillance could be performed before 720 hours of system operation, if warranted by plant conditions or beneficial to plant operation. Therefore, the proposed revision does not create the possibility of a new or different kind of accident from any previously evaluated.

The remaining TS revisions are administrative in nature in that they correct references, titles, misspelling(s), and page numbers, or revise wording to be consistent with defined intervals within the TS. Therefore, they do not create the possibility of a new or different kind of accident.

(3) The proposed changes do not involve a significant reduction in a margin of safety.

The proposed revisions to TS 5.5 and 5.8 concerning the review and/or audit of the emergency, site security and safeguards contingency plans and implementing procedures do not involve a significant reduction in a margin of safety. The audit and review processes are administrative functions which will be retained outside the TS in a manner that fully satisfies regulatory requirements.

Removing the requirement of TS 2.5 that Missouri River water from the fire water system shall be available to provide a backup water supply to the emergency feedwater storage tank improves operational flexibility without reducing any safety margins. Better sources of backup water are available to replenish the emergency feedwater storage tank. Although deleted from TS 2.5, the fire water system is still required to be available to meet the requirements of paragraph 3.F of the FCS Operating License. Therefore, the proposed revision does not involve a significant reduction in a margin of safety.

The proposed deletion of TS 2.8(8) pertaining to fuel handling cranes, deletion of TS 2.11 pertaining to overhead cranes in the Containment and Auxiliary Buildings and deletion of statements in the bases of TS 2.8 pertaining to crane interlocks does not involve a significant reduction in a margin of safety. Specifications 2.8(8), 2.11 and the deleted statements in the bases of Specification 2.8 do not need to be retained in the TS based upon Criteria 1 through 4 of the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993.

The requirements of Specification 2.8(8) and restrictions of Specification 2.11 are currently contained in Station procedures to ensure that the handling of fuel assemblies, CEAs and heavy loads is accomplished safely and effectively. These revisions make the FCS Technical Specifications more similar to STS, which do not contain requirements or restrictions concerning the operation of fuel handling cranes or overhead cranes.

The proposed revision to TS 3.2, Table 3-5, Item 1, is an administrative revision to the frequency of CEA drop time testing. The proposed frequency is the most appropriate time to perform the surveillance to ensure that the CEAs drop into the core within the time specified in the safety analysis and is identical to the frequency specified in STS 3.1.5.7. Therefore, the proposed revision does not involve a significant reduction in a margin of safety.

The proposed deletion of TS 3.2, Table 3-5, Item 5, which currently requires testing the refueling system interlocks prior to the refueling outage does not involve a significant reduction in a margin of safety. Table 3-5, Item 5, does not need to be retained in the TS based upon Criteria 1 through 4 of the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993. The requirements for testing refueling system interlocks are currently contained in Station procedures. This revision makes the FCS Technical Specifications more similar to STS, which do not contain requirements or restrictions pertaining to testing refueling system interlocks.

The proposed revision to TS 3.2, Table 3-5, Item 10, ensures consistent use of terminology among the frequencies specified in Table 3-5. The proposed revision clarifies the wording and introduces additional operational flexibility such that the surveillance could be performed before 720 hours of system operation if warranted by plant conditions or beneficial to plant operation. Therefore, the proposed revision does not involve a significant reduction in a margin of safety.

The remaining TS revisions are administrative in nature in that they correct references, titles, misspelling(s), and page numbers, or revise wording to be consistent with defined intervals within the TS. Therefore, they do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, NW., Washington, DC 20009-5728

NRC Project Director: William H. Bateman

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: March 6, 1995

Description of amendments request: The proposed amendment would relocate the seismic and meteorological monitoring instrumentation from the Technical Specifications to the Final Safety Analysis Report in accordance with the ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' dated July 22, 1993.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change relocates information from the TS to the FSAR and has no impact on physical plant operation or configuration. The continued capability of the seismic and meteorological instrumentation to perform its intended function will be ensured through controlled change processes governed by 10 CFR 50.59.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The sole function of the seismic and meteorological monitoring instrumentation is to record data. The proposed change will not involve any design change or modification to the plant. The proposed change will not alter the operation of the plant or the manner in which it is operated. Any subsequent change to the Seismic and Meteorological Monitoring Instrumentation requirements will undergo a review in accordance with the criteria of 10 CFR 50.59 to endure that the change does not involve an unreviewed safety question.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed change will relocate Seismic and Meteorological Monitoring Instrumentation requirements from the TS to licensee controlled documents subject to the criteria of 10 CFR 50.59. The proposed change will have no adverse impact on any protective boundary or safety limit.

Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Houston-Love Memorial

Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201

NRC Project Director: William H. Bateman

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: November 15, 1994; superseded March 7, 1995 (TS 94-12).

Description of amendment request: The proposed change would remove the frequency for each of the audits specified in the administrative controls section of the technical specifications (TS), except those related to the fire protection system. The requirements to perform the audits would be retained, but the frequency for their performance would be controlled by a requirement to be added to the Nuclear Quality Assurance Plan. This would require that the audits listed in the TS (except those related to the fire protection system) be performed on a biennial frequency. In addition, the proposed change would remove the requirement to perform site Radiological Emergency Plan, Physical Security Plan, and the Safeguard Contingency Plan reviews and audits from the TS, since these requirements presently exist in their respective Plans.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The standards used to arrive at a determination that a Technical Specification change request involves no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which states that no significant hazards considerations are involved if the operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Each standard is addressed as follows:

1. Operation of the facility in accordance with the proposed technical specifications would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The likelihood that an accident will occur is neither increased or decreased by the Technical Specification change which only affects review and audit frequencies. This Technical Specification change will not impact the function or method of operation of plant equipment. Thus, there is not a significant increase in the probability of a previously analyzed accident due to this change. No systems, equipment, or components are affected by the proposed changes. Thus, the consequences of a malfunction of equipment important to safety previously evaluated in the FSAR are not increased by this change.

The proposed change only affects review and audit frequencies. As such, the proposed change has no impact on accident initiators or plant equipment, and thus, does not affect the probabilities or consequences of an accident.

Therefore, we conclude that this change does not significantly increase the probabilities or consequences of an accident.

2. Operation of the facility in accordance with the proposed technical specifications would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve changes to the physical plant or operations. Since program audits do not contribute to accident initiation, a change related to audit functions cannot produce a new accident scenario or produce a new type of equipment malfunction. Also, this change does not alter any existing accident scenarios. The proposed change does not affect equipment or its operation, and, thus, does not create the possibility of a new or different kind of accident. Therefore, the proposed change does not create the possibility of a new or different kind of accident.

3. Operation of the facility in accordance with the proposed technical specifications would not involve a significant reduction in a margin of safety.

The proposed change concerning conduct of reviews and audits does not directly affect plant equipment or operation. Safety limits and limiting safety system settings are not affected by this proposed change.

Therefore, use of the proposed Technical Specification would not involve any reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902

NRC Project Director: Frederick J. Hebdon

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: March 2, 1995

Description of amendment request: The proposed changes would revise Technical Specification 4.6.1.2.a to reference the testing requirements of 10 CFR Part 50, Appendix J, and to state that the Nuclear Regulatory Commission-approved exemptions to the applicable regulatory requirements are permitted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A discussion of these standards as they relate to this ... amendment request follows.

Criterion 1 - Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed change ... revises the North Anna Units 1 and 2 Technical Specification Surveillance Requirement 4.6.1.2.a to reference the testing frequency requirements of 10 CFR 50 Appendix J and to state that NRC approved exemptions to the applicable regulatory requirements are permitted. The current Technical Specification requires Type A tests be conducted in accordance with Appendix J to 10 CFR 50. The proposed administrative change simply includes the statement ''as modified by NRC-approved exemptions.'' No new requirements are added, nor are any existing requirements deleted. Any specific changes to the requirements of Appendix J will require a submittal from Virginia Electric and Power Company under 10 CFR 50.12 and subsequent review and approval by the NRC prior to implementation. The proposed change is stated generically to avoid the need for further Technical Specification changes if different exemptions are approved in the future.

The proposed change, in itself, does not affect reactor operations or accident analyses and has no radiological consequences. The change provides clarification so that future Technical Specifications changes will not be necessary to correspond to applicable NRC-approved exemptions from the requirements of Appendix J. This exemption request is consistent with the intent of the regulation.

Therefore, this proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The proposed Technical Specification amendment for Units 1 and 2 provides clarification to a specification that paraphrases a codified requirement.

Since the ... proposed Technical Specifications change would not change the

design, configuration, or method of operation of the plant, the changes would not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed North Anna Units 1 and 2 Technical Specifications change is administrative and clarifies the relationship between the requirements of Technical Specification Surveillance Requirement 4.6.1.2.a, Appendix J, and any approved exemptions to Appendix J. It does not, in itself, change a Safety Limit or a Limiting Condition for Operation. The NRC will directly approve any proposed change or exemption to Appendix J prior to implementation.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Project Director: David B. Matthews

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: November 10, 1994

Description of amendment request: The proposed amendment request will clarify the surveillance requirements for the reactor protection and the engineered safeguards system instrumentation and actuation logic.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of Surry Power Station in accordance with the proposed Technical Specifications change will not:

1. Involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

The proposed change to clarify the surveillance requirements for the Reactor Protection and Engineered Safeguards Systems instrumentation and actuation logic has no impact on the probability of an accident occurrence. The instrumentation and actuation logic will continue to be operated in the same manner. The actual test frequency is not changing. Rather, surveillance requirements are being clarified to represent the actual testing and the licensing and design bases. Testing of these instruments and actuation logic are presently design limited and would otherwise require using temporary modifications to complete the testing. Since the testing is not changing, the clarification of the actual testing does not contribute to the probability of any previously analyzed accident. The Reactor Protection and Engineered Safeguards Systems instrumentation and actuation logic will be operated in the same manner and the system operability requirements are not being altered. Therefore, the consequences of any design basis accident are not being increased by the proposed change to clarify the surveillance test requirements for the Reactor Protection and Engineered Safeguards System instrumentation and actuation logic.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no plant modifications or changes in methods of plant operation introduced by this change in the clarification of the testing for the Reactor Protection and Engineered Safeguards Systems instrumentation and actuation logic. The plant is not being operated or tested in a different manner due to the proposed change. Therefore, no new accidents or accident precursors are generated by the proposed change to clarify the surveillance test requirements.

Clarifying the surveillance test requirements to represent the original licensing design basis and test conditions does not create the possibility of a new or different accident than previously analyzed.

3.Involve a significant reduction in a margin of safety.

Clarification of the testing for the Reactor Protection and Engineered Safeguards Systems instrumentation and actuation logic surveillance requirements does not affect the margin of safety in that the operability requirements for these safety systems remain unchanged. The existing testing is performed in accordance with plant design and licensing basis and provides adequate indication of the operability of the affected instrumentation or actuation logic. The Reactor Protection and Engineered Safeguards Systems instrumentation and actuation logic are fully tested on a refueling cycle basis which includes complete operation of each relay and end device. Therefore, the margin of safety is not altered by the proposed clarification of the testing for the Reactor Protection and Engineered Safeguards Systems instrumentation and actuation logic.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Project Director: David B. Matthews

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: November 22, 1994

Description of amendment request: The proposed amendment request would delete unnecessary descriptive phrases regarding the number of cells in the station and emergency diesel generator batteries.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The deletion of the descriptive references regarding the number of cells in the station and emergency diesel generator batteries is an administrative change and therefore does not:

1. Involve an increase in the probability of occurrence or consequences of an accident previously evaluated.

The proposed change to delete the descriptive references associated with the station and emergency diesel generator batteries (60 cell or 56 cell, respectively) has no impact on the probability of an accident occurrence. The change is administrative in nature and therefore does not affect the operation of the units. The batteries will continue to be operated in the same manner as before the change with operability based on design voltage and capacity requirements necessary to ensure safety functions can be performed. Prescribed surveillance testing will continue to ensure the operability of individual battery cells. Consequently, the proposed change does not contribute to the probability of occurrence or consequences of any design basis accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

This is an administrative change to delete the descriptive references associated with the station and emergency diesel generator batteries. There are no plant modifications being implemented by the proposed change and plant operations are not being changed. Provided the required design voltage and capacity are maintained, the batteries remain fully operable and capable of performing their intended safety functions. Individual battery cell surveillance requirements remain unchanged. Therefore, no new accidents or accident precursors are created by the proposed change.

3. Involve a reduction in a margin of safety as defined in the Technical Specifications.

The proposed administrative change to delete the descriptive references associated with the station and emergency diesel generator batteries (60 cell or 56 cell, respectively) is administrative in nature. Provided the required design voltage and capacity are maintained, the batteries remain fully operable and capable of performing their intended safety functions as assumed in the safety analyses. Individual battery cell surveillance requirements remain unchanged. Therefore, the analyzed margin of safety is not reduced by the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Project Director: David B. Matthews

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: January 24, 1995

Description of amendment request: The proposed amendment request would increase the current Technical Specification pressurizer safety valve lift setpoint acceptance criterion from plus or minus 1% as-found and plus or minus 1% as-left to plus or minus 3% as-found and plus or minus 1% as-left.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed Technical Specifications change does not involve a significant hazards consideration because operation of Surry Units 1 and 2 in accordance with this change would not:

a. involve a significant increase in the probability or consequences of an accident previously evaluated. Affected safety-related parameters were analyzed for a change to Surry Units 1 and 2 Technical Specification 3.1.A.3.b. It was determined that the primary and secondary side overpressure safety limits would not be exceeded in the most limiting overpressure transient (Loss of Load, Locker Rotor, and Rod Withdrawal events) with the pressurizer safety valve lift setpoint acceptance criterion increased to [plus or minus] 3%. The DNBR [departure from nucleate boiling ratio] results of transients impacted by the setpoint acceptance criterion increase are not affected by the proposed change. The increased setpoint acceptance criterion will not result in an inadvertent opening of the pressurizer safety valves. Since the proposed change involves no alterations to the physical plant, the probability of occurrence of an accident or malfunction of equipment important to safety previously evaluated is not increased.

b. create the possibility of a new or different kind of accident from any accident previously identified. The proposed change to Surry Units 1 and 2 Technical Specification 3.1.A.3.b does not involve any alterations to the physical plant which would introduce any new or unique operational modes or accident precursors. Only the allowable tolerance about the existing setpoint will be changed.

c. involve a significant reduction in a margin of safety. It was determined that the most limiting overpressure transients do not result in maximum pressures in excess of the primary and secondary side overpressure limits. The DNBR results of affected transients are not made more limiting by the proposed setpoint tolerance increase. Therefore, the margin of safety is unchanged by the proposed increase in the safety valve setpoint acceptance criterion.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Project Director: David B. Matthews

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 21, 1995

Description of amendment request: The amendment would revise Surveillance Requirement 4.6.2.1.d for the containment spray system to change the surveillance interval for the performance of the air or smoke test through the containment spray header from once per 5 years to once per 10 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed reduced testing frequency of the Containment Spray System nozzles does not change the way the system is operated or the Containment Spray System's operability requirements. The proposed change to the surveillance frequency of safety equipment has no impact on the probability of an accident occurrence nor can it create a new or different type of accident. NUREG-1366 concluded that the corrosion of stainless steel piping is negligible during the extended surveillance interval. Since the Containment Spray System is maintained dry there is no additional mechanism that could cause blockage of the spray nozzles. Thus, the nozzles in the Containment Spray System will remain operable during the ten year surveillance interval to mitigate the consequence of an accident previously evaluated. No clogging or blockage of the nozzles in the Containment Spray System has been discovered during the performance of the five year surveillance tests. Therefore, the testing of the Containment Spray System[']s nozzles at the proposed reduced frequency will not increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed reduced frequency testing of the Containment Spray System nozzles does not change the way the Containment Spray System is operated. The reduced frequency of testing of the spray nozzles does not change plant operation or system readiness. The reduced frequency testing of the Containment Spray System nozzles does not generate any new accident precursors. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated is not created by the proposed changes in surveillance frequency of the Containment Spray System nozzles.

3. The proposed change does not involve a significant reduction in the margin of safety.

Reduced testing of the Containment Spray System nozzles does not change the way the system is operated or the Containment Spray System's operability requirements. NUREG-1366 concluded that the corrosion of stainless steel piping is negligible during the extended surveillance interval. Since the Containment Spray System is maintained dry there is no additional mechanism that could cause blockage of the Containment Spray System nozzles. Thus, the proposed reduced testing frequency is adequate to ensure spray nozzle operability. The surveillance requirements do not affect the margin of safety in the operability requirements of the Containment Spray System remains unaltered. The existing safety analysis remains bounding. Therefore no margins of safety are adversely affected by this proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037

NRC Project Director: William H. Bateman

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 24, 1995

Description of amendment request: The proposed amendment would add a new action statement to Technical Specification 3.5.1 which would provide a 72-hour allowed outage time (AOT) for one accumulator to be inoperable because its boron concentration did not meet the 2300-2500 parts per million (ppm) band. The amendment would also change the current allowed outage time for other reasons of inoperability from 1 hour to 24 hours.

Changes to the surveillance requirements are also proposed to incorporate the guidance of Generic Letter 93-05, ''Line-Item Technical Specifications Improvements to Reduce Surveillance Requirements for Testing During Operation.'' These proposed changes would base the operability of the accumulator on the contained water volume and cover pressure and would not require verification of the boron concentration after an accumulator volume increase, provided the source of the makeup water is the refueling water storage tank.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant Increase in the probability or consequences of an accident previously evaluated.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The overall protection system performance will remain within the bounds of the accident analysis documented in Chapter 15 of the Updated Safety Analysis Report [USAR], WCAP-1096-P, and WCAP-11883 since no hardware changes are proposed.

The safety injection accumulators are credited in Section 15.6.5 of the Updated Safety Analysis Report for large and small break LOCA [loss-of-coolant accident]. There will be no effect on these analyses, or any other accident analysis, since the analysis assumptions are unaffected and remain the same as discussed in Section 15.6.5. Design basis accidents are not assumed to occur during allowed outage times covered by the Technical Specifications. As such, the ECCS [emergency core cooling system] Evaluation Model equipment availability assumptions made in Section 15.6.5 remain valid.

The safety injection accumulators will continue to function in a manner consistent with the above analysis assumptions and the plant design basis. As such, there will be no degradation in the performance of nor an increase in the number of challenges to equipment assumed to function during an accident situation.

The proposed technical specifications changes do not involve any hardware changes nor do they affect the probability of any event initiators. There will be no change to normal plant operating parameters, ESF [engineered safety features] actuation setpoints, accident mitigation capabilities, accident analysis assumptions or inputs. Therefore, these changes will not increase the probability of an accident or malfunction.

The corresponding increase in CDF [core damage frequency] due to the proposed change to increase the AOT of the accumulators from one hour to 24 hours is insignificant. Pursuant to the guidance in Section 3.5 of NSAC-125, the proposed increase in AOT does not ''degrade below the design basis the performance of a safety system assumed to function in the accident analysis,'' nor does it ''increase challenges to safety systems assumed to function in the accident analysis such that safety system performance is degraded below the design basis without compensating effects.'' Therefore, it is concluded that these changes do not increase the probability of occurrence of a malfunction of equipment important to safety.

(2) The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This change is administrative in nature and does not involve any change to the installed plant systems or the overall operating philosophy of WCGS [Wolf Creek Generating Station].

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these proposed changes. There will be no adverse effect or challenges imposed on any safety-related system as a result of these changes. Therefore, the possibility of a new or different type of accident is not created.

There are no changes which would cause the malfunction of safety-related equipment, assumed to be operable in the accident analyses, as a result of the proposed technical specification changes. No new mode failure has been created and no new equipment performance burdens are imposed. Therefore, the possibility of a new or different malfunction of safety-related equipment is not created.

(3) The proposed change does not involve a significant reduction in the margin of safety.

The proposed change does not involve an significant reduction in a margin of safety. There will be no change to the Departure from Nucleate Boiling Ratio (DNBR) Correlation Limit, the design DNBR limits, or the safety analysis DNBR limits discussed in Bases Section 2.1.1.

As discussed previously, the performance of the accumulators will remain within the assumptions used in the large and small break LOCA analyses, as presented in USAR Section 15.6.5. Also, there will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037

NRC Project Director: William H. Bateman

Previously Published Notices Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the Federal Register on the day and page cited. This notice does not extend the notice period of the original notice.

Baltimore Gas and Electric Company, Docket No. 50-318, Calvert Cliffs Nuclear Power Plant, Unit No. 2, Calvert County, Maryland

Date of amendment request: February 24, 1995

Brief description of amendments: The proposed amendment would revise the Calvert Cliffs, Unit No. 2, Technical Specifications (TSs). Specifically, TS 4.G.1.2 would reference 10 CFR Part 50, Appendix J, directly, and any approved exemptions to the Type A testing frequency requirements, rather than paraphrase the regulation. The proposed wording is consistent with that used in NUREG-1432, ''Standard Technical Specifications - Combustion Engineering Plants,'' dated September 1992.Date of publication of individual notice in Federal Register: March 8, 1995 (60 FR 12789)

Expiration date of individual notice: April 7, 1995

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: February 23, 1995, as supplemented March 21, 1995.

Description of amendment request: The proposed amendment would revise Technical Specifications 3.8.2.1 and 3.8.3.1 to allow installation of a modification to replace the battery, main and tie breakers in response to an Electrical Distribution Systems Functional Inspection, conducted by the NRC in July 1991. The existing breaker arrangement could result in a trip of both the battery and main breakers if a fault occurs on one of the 125 VDC panelboards. The licensee committed to have these breakers replaced in 1995 with a better coordinated design to eliminate the concern.Date of publication of individual notice in Federal Register: March 8, 1995 (60 FR 12791)

Expiration date of individual notice: April 7, 1995

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket No. 50-498, South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: March 1, 1995

Description of amendment request: The proposed amendment would modify the steam generator tube plugging criteria in Technical Specification 3/4.4.5, Steam Generators, and the allowable leakage for Unit 1 in Technical Specification 3/4.4.6.2, Operational Leakage, and the associated Bases.Date of individual notice in the Federal Register: March 13, 1995 (60 FR 13478)

Expiration date of individual notice: April 12, 1995

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket No. 50-498, South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: March 1, 1995

Description of amendment request: The proposed amendment would change Technical Specification 3/4.4.5, Steam Generators, and the associated Bases to allow the use of an alternate plugging criteria (known in the industry as F*) on steam generator tubes that are defective or degraded within certain areas within the tubesheet. Date of individual notice in the Federal Register: March 13, 1995 (60 FR 13481)

Expiration date of individual notice: April 12, 1995

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of amendment request: March 9, 1994

Description of amendment request: The proposed amendment would revise the Nine Mile Point Nuclear Station, Unit 2, Technical Specifications (TSs). Specifically, TS 4.6.1.2.a would be modified to allow the second Primary Containment Integrated Leakage Rate Test (Type A) to be performed at the fifth refueling outage (RF-05) or 72 months after the first Type A test instead of the fourth refueling outage (RF-04) as currently scheduled.

Date of publication of individual notice in Federal Register: March 23, 1995 (60 FR 15310)

Expiration date of individual notice: April 24, 1995

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Rochester, New York

Date of application for amendment: March 13, 1995

Brief description of amendment: The proposed amendment would revise Ginna Station Technical Specification (TS) 4.4.2.4.a to replace specific leakage testing frequencies for containment isolation valves. This TS change will support a proposed Exemption to Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix J, Section III.D.3, requested under separate cover to exempt Type C testing of certain valves during a 1995 refueling outage.

Date of publication of individual notice in Federal Register: March 22, 1995 (60 FR 15167)

Expiration date of individual notice: April 21, 1995

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Notice Of Issuance Of Amendments To Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the Federal Register as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment

under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station,Plymouth County, MassachusettsDate of application for amendment: November 22, 1994

Brief description of amendment: The amendment revises the allowable leak rate for the main steam isolation valves from the current 11.5 standard cubic feet per hour (scfh) for each valve, to a maximum combined main steam line leak rate of 46 scfh.

Date of issuance: March 22, 1995

Effective date: March 22, 1995

Amendment No.: 160

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 18, 1995 (60 FR 3671) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 1995. No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station,Plymouth County, Massachusetts

Date of application for amendment: September 6, 1994, as supplemented February 15, 1995.

Brief description of amendment: This amendment revises Technical Specifications (TSs) 3.7.B.1.a, 3.7.B.1.c, 3.7.B.1.e, 3.7.B.2.a, and 3.7.B.2.c and adds Sections 3.7.B.1.f and 3.7.B.2.e. The additional section requires both trains of standby gas treatment and control room high efficiency air filtration system to be operable for the initiation of fuel movement. In the event either train becomes inoperable, the other train must be demonstrated to be operable within 2 hours and fuel handling operations may continue for 7 days with one train inoperable. Additionally, this change allows one train to be defined as operable without its associated emergency power supply, provided one source of normal power (startup transformer or unit auxiliary power) is available.

Date of issuance: March 22, 1995

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 161

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: October 26, 1994 (59 FR 53837) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 1995. No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station,Plymouth County, Massachusetts

Date of application for amendment: September 6, 1994

Brief description of amendment: This amendment would reduce the Reactor Pressure Setpoint at which the shutdown cooling system automatically isolates. This setpoint also isolates the low pressure coolant injection valves when the shutdown cooling system is in operation.

Date of issuance: March 27, 1995

Effective date: To be implemented within 30 days following restart from refueling outage ι10

Amendment No.: 162

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: October 26, 1994 (59 FR 53837) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County,North Carolina

Date of application for amendments: October 28, 1994, as supplemented February 16, 1995.

Brief description of amendments: The proposed change will revise TS requirements to increase the surveillance test intervals and the allowable out of service times or instruments of the reactor protection system, isolation actuation system, emergency core cooling system actuation system, control rod withdrawal block system, control room emergency ventilation system, anticipated transient without scram, recirculation pump trip (RPT), end-of-cycle RPT, and the reactor core isolation cooling actuation system.

Date of issuance: March 30, 1995Effective date: March 30, 1995

Amendment Nos.: 175 and 206

Facility Operating License Nos. DPR-71 and DPR-62. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: December 7, 1994 (59 FR 63114) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 30, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North CarolinaDate of application for amendment: October 24, 1994, as supplemented December 6, 1994.

Brief description of amendment: The amendment allows the relocation of TS 3/4.3.4, Turbine Overspeed Protection and associated Bases to be consistent with the new Standard Technical Specifications for Westinghouse plants.

Date of issuance: March 22, 1995

Effective date: March 22, 1995

Amendment No. 55

Facility Operating License No. NPF-63. Amendment revises the Technical Specifications

Date of initial notice in Federal Register: November 23, 1994 (59 FR 60379) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, IllinoisDocket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: December 22, 1992

Brief description of amendments: These amendments add new requirements to the Technical Specifications (TS) to ensure that an Essential Service Water system (SX) pump and crossover path are available from a shutdown unit to serve as backup to an operating unit. In addition, a new TS is added to require the unit crosstie to be open, or capable of being opened, from the Main Control Room, whenever either, or both units are in an operating mode (MODE 1, 2, 3, or 4).

Date of issuance: March 20, 1995

Effective date: March 20, 1995

Amendment Nos.: 71, 71, 62, and 62

Facility Operating License Nos. NPF-37, NPF-66, NPF-72 and NPF-77: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: February 3, 1993 (58 FR 6994) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 20, 1995. No significant hazards consideration comments received: No

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Consolidated Edison Company of New York, Docket No. 50-247, Indian PointNuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: September 19, 1994

Brief description of amendment: The amendment would revise Technical Specification Section 4.4.A.3, Frequency of Containment Integrated Leakage Rate Test, to reference 10 CFR Part 50, Appendix J, as modified by approved exemptions, directly.

Date of issuance: March 17, 1995

Effective date: As of the date of issuance to be implemented within 30 days

Amendment No.: 181

Facility Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 15, 1995 (60 FR 8744) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 17, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Duquesne Light Company, et al., Docket Nos. 50-334 and 50-412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, PennsylvaniaDate of application for amendments: April 23, 1990, as supplemented January 21, 1992 and March 17, 1995.

Brief description of amendments: These amendments revise the Appendix A Technical Specifications (TSs) for Unit 1 and Unit 2 by (a) deleting TS Table 3.6-1, ''Containment Penetrations,'' (b) rewording TS Definition 1.8, ''Containment Integrity,'' and TSs 3.6.1.1, 3.6.1.2, 3.6.3.1, and 3.9.4 relating to containment integrity, containment leakage, containment isolation valves, and containment building penetrations respectively to account for the deletion of TS Table 3.6-1, and (c) correcting terminology by replacing the word ''door'' with ''hatch'' in TS 3.9.4.a.

The Unit 1 amendment also modifies TS Table 3.3-5, ''Engineered Safety Features Response Times,'' by changing the feedwater isolation response time to reflect total isolation times for the main feedwater regulating valve and bypass feedwater regulating valve. Minor editorial changes were also incorporated in TS Table 3.3-5.

Date of issuance: March 28, 1995

Effective date: March 28, 1995

Amendment Nos.: 185 and 66

Facility Operating License Nos. DPR-66 and NPF-73: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: June 27, 1990 (55 FR 26283), as supplemented April 1, 1992 (57 FR 11107) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 28, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

GPU Nuclear Corporation, et al., Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: June 22, 1994

Brief description of amendment: The amendment changes Technical Specification (TS) Sections 1.6, 3.2.A, 3.9.f.5 and 4.2.A which specify the Shutdown Margin (SDM) requirements that ensure the reactor can be made subcritical and can be maintained sufficiently subcritical to preclude inadvertent criticality in any core condition. The amendment also includes a definition of Shutdown Margin, TS Section 1.45. Administrative changes to TS Sections 1.7 and 3.2.b.2(b) are also included to simplify definitions and eliminate unnecessary notes and references.

Date of Issuance: March 21, 1995Effective date: As of the date of issuance to be implemented within60 days

Amendment No.: 178

Facility Operating License No. DPR-16. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 20, 1994 (59 FR 37072) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 21, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: February 14, 1995

Brief description of amendment: The amendment revises Technical Specification 3.8.2, ''AC Sources-Shutdown;'' 3.8.5, ''DC Sources-Shutdown;'' and 3.8.8, ''Inverters-Shutdown.'' The changes revise the operability requirements for the Division 3 diesel generator and the Division 3 and 4 batteries, battery chargers and inverters to apply only when the high pressure core spray system is required to be operable.

Date of issuance: March 21, 1995

Effective date: March 21, 1995

Amendment No.: 99

Facility Operating License No. NPF-62. The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 17, 1995 (60 FR 9412) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 21, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of application for amendment: June 30, 1994, as supplemented March 7, 1995

Brief description of amendment: The amendment revises Technical Specification (TS) 3.2.7.1 to add 8 check valves to Table 3.2.7.1. These valves were installed to add additional protection of the low pressure Core Spray system from the high pressure Reactor Coolant system. Including the valves in the TSs will assure that the proper surveillance testing is done to maintain a high reliability for the valves to protect the Core Spray system.

Date of issuance: March 20, 1995

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 154

Facility Operating License No. DPR-63: Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: August 3, 1994 (59 FR 39593) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 20, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: April 22, 1994

Brief description of amendment: The amendment deletes the operability and surveillance requirements of the condenser air ejector radiation monitor from the Millstone Unit 2 Technical Specification Tables 3.3-12 and 4.3-12.

Date of issuance: March 27, 1995

Effective date: As of the date of issuance to be implemented within 30 days

Amendment No.: 186

Facility Operating License No. DPR-65. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 25, 1994 (59 FR 27058) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: March 31, 1994 and August 5, 1994

Brief description of amendment: This amendment revises: Technical Specification (TS) 3.8.1.1.b.2 which maintains diesel operability for a 48-hour period when the fuel storage system of one or more diesel generators contains less than a 7-day supply of fuel: TS 4.8.1.1.2.h.8 by deletion and replacement with surveillance requirement 4.8.1.1.2.k.1 which permits the 24-hour diesel generator endurance run to be performed in any operational condition; establish surveillance requirement 4.8.1.1.2.k.2 which allows the hot restart test to be conducted not only after surveillance requirement 4.8.1.1.2.k.1, but also after the diesel generator has operated between 4300 kw and 4400 kw for one hour or after any time the diesel generator operating temperature has stabilized; revise TS 3.8.1.1 to eliminate the requirements to start the Emergency Diesel Generator (EDG) with an inoperable offsite circuit(s) of AC electrical power; add a provision that eliminates required testing of remaining EDGs when one EDG is inoperable due to an inoperable support system or an independently testable component with no potential for common mode failure for the remaining EDGs. In addition, if testing of the EDGs is required, the surveillance will be performed within 16 hours instead of 24 hours as currently specified; delete the requirement to perform a Loss of Offsite Power (LOOP) test (Surveillance Requirement 4.8.1.1.2.h.b) following the 24-hour EDG endurance run test in its place, a hot restart test (no LOOP load sequencing) will be established.

Date of issuance: March 30, 1995

Effective date: March 30,1995

Amendment No.: 72

Facility Operating License No. NPF-57: This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 8, 1994 (59 FR 29630) and October 12, 1994 (59 FR 51625) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 1995. No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

South Carolina Electric & Gas Company, South Carolina Public ServiceAuthority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: October 29, 1993, as supplemented on March 11, 1994, May 18, 1994, September 20, 1994, and October 20, 1994.

Brief description of amendment: The amendment changes Operating License NPF-12 to delete License Conditions 2.C.13, 2.C.14, and 2.C.32.

Date of issuance: March 29, 1995

Effective date: March 29, 1995

Amendment No.: 123

Facility Operating License No. NPF-12. Amendment revises the operating license.

Date of initial notice in Federal Register: February 16, 1994 (59 FR 7698) and April 28, 1994 (59 FR 22012), as corrected June 30, 1994 (59 FR 33795). The May 18, 1994, September 20, 1994, and October 20, 1994, submittals provided supplemental and clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Fairfield County Library, 300 Washington Street, Winnsboro, SC 29180

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: September 30, 1993, as supplemented by letters dated November 16, 1993, January 18, 1995, and February 2, 1995.

Brief description of amendments: These amendments revised the technical specifications to (1) divide item 7 of Tables 3.3-3, 3.3-4, 3.3-5, and 4.3-2 into item 7a that addresses the existing loss-of-voltage (LOV) function and item 7b that separately addresses the degraded grid voltage (DGV) function; (2) add footnote (d) to Table 3.3-3 to indicate that the DGV actuation relay logic is applicable in Modes 1, 2, 3, and 4 when the diesel generator circuit breaker is open; (3) replace the reference to Figure 3.3-1 in item 7a of Tables 3.3-4 and 3.3-5 with definite voltage and time values; (4) add note 9 to Table 3.3-5 to explain the response

time for an LOV signal; and (5) delete Figure 3.3-1, ''Degraded Bus Voltage Trip Setting,'' and the reference to this figure from Table 3.3-4.

Date of issuance: March 17, 1995

Effective date: Unit 2, as of the date of completion of the currrent refueling outage and must be fully implemented before the plant returns to power; Unit 3, as of the date of the completion of its next refueling outage and must be fully implemented before the plant returns to power.

Amendment Nos.: Unit 2 - Amendment No. 118; Unit 3 - Amendment No. 107

Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: November 10, 1993 (58 FR 59755). The additional information contained in the November 16, 1993, January 18, 1995 and February 2, 1995, letters was clarifying in nature, within the scope of the initial notice and did not affect the NRC staff's proposed no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 17, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama.

Date of amendments request: January 9, 1995

Brief description of amendments: The amendments change the Technical Specifications to implement recommended changes from Generic Letter (GL) 93-05, ''Line Item Technical Specification Improvements to Reduce Surveillance Requirements for Testing During Power Operation,'' dated September 27, 1993. Specifically, the amendments implement TS changes corresponding to the following GL 93-05 line-item improvement issues and numbers: Control Rod Movement Test for Pressurized Water Reactors (4.2.1); Radiation Monitors (5.14); Surveillance of Boron Concentration in the Accumulator/Safety Injection/Core Flood Tank (7.1); Containment Spray System (8.1); Hydrogen Recombiner (8.5); and Special Test Exemptions (12).

Date of issuance: March 20, 1995

Effective date: March 20, 1995

Amendment Nos.: 113 and 104

Facility Operating License Nos. NPF-2 and NPF-8. Amendments revise the Technical Specifications.

Date of initial notice in Federal Register: February 15, 1995 (60 FR 8756) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 20, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: December 6, 1994

Brief description of amendment: This amendment deletes Technical Specification (TS) Surveillance Requirement (SR) 4.1.3.2.2 for the Axial Power Shaping Rods and relaxes surveillance intervals for TS 3/4.1.3.1, ''Group Height - Safety and Regulating Rod Groups;'' TS 3/4.4.6.2, ''Operational Leakage;'' TS 3/4.5.2, ''ECCS Subsystems - Tavg equal to or greater than 280°F;'' TS 3/4.6.2.1, ''Containment Spray System;'' and TS 3/4.10.4, ''Special Test Exceptions Shutdown Margin.'' Date of issuance: March 21, 1995Effective date: March 21, 1995 and implemented not later than 90 days after issuance

Amendment No.: 196

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 15, 1995 (60 FR 8757) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 21, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: December 6, 1994

Brief description of amendment: This amendment revises Technical Specification (TS) 4.0.5, ''Applicability'' and its associated Bases to eliminate the need for NRC approval of relief requests prior to implementation and relaxes surveillance test intervals for TS 3/4.1.2.3, ''Reactivity Control Systems - Makeup Pump - Shutdown; TS 3/4.1.2.4, ''Reactivity Control Systems - Makeup Pumps - Operating; TS 3/4.1.2.6, Reactivity Control Systems - Boric Acid Pump - Shutdown; and TS 3/4.1.2.7, ''Reactivity Control System - Boric Acid Pumps - Operating'' from monthly to quarterly. Date of issuance: March 22, 1995

Effective date: March 22, 1995, and to be implemented within 90 days

Amendment No.: 197

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 15, 1995 (60 FR 8758) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: December 9, 1994, as supplemented on December 22, 1994.

Brief description of amendment: The amendment revises the Technical Specification (TS) Surveillance Requirement 4.8.1.1.2f.7. The change removes the requirement to perform the hot restart test within 5 minutes of completing the 24-hour endurance test and places that requirement in a separate TS.

Date of issuance: March 20, 1995

Effective date: March 20, 1995, to be implemented within 30 days

Amendment No.: 95

Facility Operating License No. NPF-30. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: February 1, 1995 (60 FR 6315) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 20, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: August 4, 1994, as supplemented on March 14, 1995 and March 28, 1995.

Brief description of amendment: The amendment replaces Technical Specification (TS) 3/4.6.2.2, Spray Additive System, with a new TS 3/4.6.2.2 entitled Recirculation Fluid pH control (RFPC) System. The associated TS Surveillance Requirements and the Bases will also be revised. In addition, the Bases section for the Refueling Water Storage Tank (RWST) System will be revised.

Date of issuance: March 30, 1995

Effective date: March 30, 1995, to be implemented within 30 days

Amendment No.: 96

Facility Operating License No. NPF-30. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: September 28, 1994 (59 FR 49440) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 1995. The March 14, 1995, and March 28, 1995, letters provided supplemental information that did not change the initial proposed no significant hazards consideration determination. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: September 8, 1994

Brief description of amendment: The amendment revises the Technical Specification (TS) Bases Section 3/4.9 and changes Final Safety Analysis Report (FSAR) Sections 9.1.3 ''Fuel Pool Cooling and Cleanup,'' 9.1.4 ''Fuel Handling System'' and 15.4.6 ''Chemical and Volume Control System Malfunction That Results in a Decrease in the Boron Concentration in the Reactor Coolant. The changes established procedural controls to address an unreviewed safety question.

Date of issuance: March 31, 1995

Effective date: March 31, 1995, to be implemented within 30 days

Amendment No.: 97

Facility Operating License No. NPF-30. Amendment revises the Technical Specification Bases and FSAR.

Date of initial notice in Federal Register: March 1, 1995 (60 FR 11151) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: December 8, 1994, as supplemented by letter dated February 16, 1995.

Brief description of amendment: The proposed amendment would change Standby Gas Treatment Power Supply Requirements during refueling operations.

Date of issuance: March 23, 1995

Effective date: As of the date of issuance, to be implemented within 30 days

Amendment No.: 143

Facility Operating License No. DPR-28. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 15, 1995 (60 FR 8759) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 23, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application for amendment: October 31, 1994

Brief description of amendment: The amendment relocated requirements regarding safety/relief valve position indication instrumentation from the Technical Specifications to other licensee-controlled documents.

Date of issuance: March 27, 1995

Effective date: March 27, 1995, to be implemented prior to restart from the spring 1995 refueling outage

Amendment No.: 135

Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 21, 1994 (59 FR 65831) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee NuclearPower Plant, Kewaunee County, Wisconsin

Date of application for amendment: December 2, 1994

Brief description of amendment: The amendment revises Kewaunee Nuclear Power Plant (KNPP) Technical Specification (TS) 3.2 by deleting the requirements for the charging pumps, high concentration boric acid in the boric acid storage tanks (BASTs), the boric acid transfer pumps, and boric acid heat tracing. Changes to TS 3.3 and Table TS 3.5.3 add requirements associated with the emergency core cooling system (ECCS) accumulators, remove the requirements associated with the boric acid storage tanks and increase the minimum required boron concentration in the refueling water storage tank (RWST). Additionally, the surveillance requirements involving the BASTs, associated valves and heat tracing located in Table TS 4.1-1, Table TS 4.1-2 and Section 4.5 have been deleted.

Date of issuance: March 28, 1995

Effective date: March 28, 1995, to be implemented within 20 days

Amendment No.: 116

Facility Operating License No. DPR-43. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 4, 1995 (60 FR 508). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 1995. No significant hazards consideration comments received: None.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Notice Of Issuance Of Amendments To Facility Operating LicensesAnd Final Determination Of No Significant Hazards ConsiderationAnd Opportunity For A Hearing (Exigent Public Announcement Or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules

and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By May 12, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to

participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Northeast Nuclear Energy Company, Docket No. 50-245, MillstoneNuclear Power Station, Unit 1, New London County, Connecticut

Date of application for amendment: March 17, 1995

Brief description of amendment: The amendment revises Technical Specification (TS) Surveillance Requirement 4.7.D.1.c.1 by replacing the once per quarter stroke test for containment isolation valves (CIVs) with the requirement that the CIVs be tested in accordance with the inservice testing program. In addition, there are some editorial changes, minor renumbering of subsections, to reflect the TS revisions.

Date of issuance: March 21, 1995

Effective date: As of the date of issuance to be implemented immediately

Amendment No.: 81

Facility Operating License No. DPR-21. Amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated March 21, 1995.

Local Public Document Room location: Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270.

NRC Project Director: Phillip F. McKee

Dated at Rockville, Maryland, this 5th day of April, 1995.

For the Nuclear Regulatory Commission

Elinor G. Adensam,

Acting Director, Division of Reactor Projects - III/IV, Office of Nuclear Reactor Regulation

[Doc. 95–8845 Filed 4–11–95; 8:45 am]

BILLING CODE 7590–01–F

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Extension of INV Forms 40–44 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the reclearance of forms used to request information by mail for use in OPM investigations. These investigations are conducted to determine suitability for Federal employment and/or the ability to hold a security clearance, as prescribed in Executive Orders 10450 and 10577 and 5 U.S.C. 3301.

INV Form 41, Investigative Request for Employment Data and Supervisor Information, is sent to former employers and/or supervisors; INV Form 42, Investigative Request for Personal Information, is sent to references; INV Form 43, Investigative Request for Educational Registrar and Dean of Students Record Data, is sent to educational institutions; and INV Form 44, Investigative Request for Law Enforcement Data, is sent to local law enforcement agencies. In order to accommodate sources for which the collection formats of INV Forms 41–44 are awkward or inappropriate, INV Form 40, General Request for Investigative Data, has been added to the collection.

It is estimated that 1,065,955 individuals will respond annually (186,408 to INV Form 40; 360,115 to INV Form 41; 284,160 to INV Form 42; 76,152 to INV Form 43; and 159,120 to INV Form 44), and that each will require approximately 5 minutes to complete the form, for a total burden of 88,830 hours. For copies of this proposal call Doris R. Benz on 703–908–8564.

DATES: Comments on this proposal should be received on or before May 12, 1995.

ADDRESSES: Send or deliver comments to—Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: John J. Lafferty, 202–376–3800.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 95–8975 Filed 4–11–95; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. Nos. 33–7156; 34–35572]

Changes and Corrections to EDGAR Phase-In List

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

SUMMARY: The Commission is publishing a list of changes and corrections to the EDGAR phase-in list for companies whose filings are processed by the Division of Corporation Finance.

FOR FURTHER INFORMATION CONTACT: Sylvia J. Reis, Assistant Director, CF EDGAR Policy, Division of Corporation Finance at (202) 942–2940.

SUPPLEMENTARY INFORMATION: In connection with the adoption of the final rules fully implementing the

Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system, on December 19, 1994 the Commission published a list of companies whose filings are processed by the Division of Corporation Finance to place registrants on notice as to when they would become subject to mandated electronic filing.[1] The registrants were divided into ten groups, all of which will be phased in by May 1996. Rule 901 of Regulation S–T[2] provides that registrants may request a change to their assigned phase-in dates. Such requests may be granted pursuant to delegated authority. In addition, modifications are made to the list to reflect name changes, corporate restructurings, the addition of new entities, and similar factors. Changes to the Division of Corporation Finance phase-in list are published from time to time in the SEC News Digest. The Commission today is publishing a comprehensive list of all changes in the Division of Corporation Finance phase-in group assignments made since the phase-in list was published in December 1994. This procedure will be repeated from time to time, in order to further notify the public of changes to the list. A change to a company's phase-in date is of particular importance to persons or entities filing documents with respect to that company, since generally such persons must file electronically with the company become subject to mandated electronic filing.[3]

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)

Name	CIK No.	Former group	New group
3DO CO	898441	NONE	CF–10
ABR INFORMATION SERVICES INC	920985	NONE	CF–10
ACCUGRAPH CORP	811703	CF–07	REMOVE
ACCUSTAFF INC	924646	NONE	CF–10
ACME METALS INC /DE/	002093	CF–04	CF–04
Change to ACME METALS INC /DE/	883702	CF–04	CF–04
ACORDIA INC /DE/	863881	NONE	CF–10
ADFLEX SOLUTIONS INC	925743	NONE	CF–10
ADVANCED MEDICAL DYNAMICS INC	823314	CF–10	CF–10
Change to ADVANCED FINANCIAL INC	823314	CF–10	CF–10
ADVANCED SURGICAL INC	887893	NONE	CF–10
ADVANCED TECHNOLOGY MATERIALS INC	912841	NONE	CF–10
ADVOCAT INC	919956	NONE	CF–10
AERO SERVICES INTERNATIONAL INC	350200	NONE	CF–06
AES CHINA GENERATING CO LTD	916792	NONE	CF–10
AES CORP	874761	NONE	CF–10
AFP IMAGING CORP	319126	CF–06	CF–09
AGRIPOST INC	313997	CF–06	REMOVE
AILEEN INC	002904	CF–06	CF–10
ALCO HEALTH DISTRIBUTION CORP /DE/	855042	CF–10	CF–04
Change to AMERISOURCE DISTRIBUTION CORP	855042	CF–10	CF–04
ALDEN JOHN FINANCIAL CORP	822079	NONE	CF–10
ALL AMERICAN BOTTLING CORP	825811	NONE	CF–10
ALLEGHENY GENERATING CO	774459	CF–08	CF–06
ALLTRISTA CORP	895655	NONE	CF–10
ALPHA BETA CO	880800	NONE	CF–04
ALPHA BETA TECHNOLOGY INC	841168	NONE	CF–10
ALUMAX INC	912600	NONE	CF–10
AMERIBANC INVESTORS GROUP	068336	CF–06	CF–09
AMERICAN BUILDINGS CO /DE/	799208	NONE	CF–10
AMERICAN CLASSIC VOYAGES CO	315136	NONE	CF–10
AMERICAN HEALTHCARE INC/DE	704415	NONE	CF–10
Change to AMERICAN HEALTHCORP INC	704415	NONE	CF–10
AMERICAN INTERNATIONAL PETROLEUM CORP	799119	CF–06	CF–07
AMERICAN MIDLAND CORP	066052	CF–06	CF–09
AMERICAN OILFIELD DIVERS INC	906520	NONE	CF–10
AMERICAN ONLINE INC	883780	NONE	CF–10
Change to AMERICA ONLINE INC	883780	NONE	CF–10
AMERICAN PREMIER GROUP INC	933537	CF–10	CF–04
AMERICAN WHITE CROSS INC	887622	NONE	CF–10
ANTEC CORP	908610	NONE	CF–10
APPLIED INNOVATION INC	798399	NONE	CF–10
APOLLO GROUP INC	929887	NONE	CF–07
AQUILA GAS PIPELINE CORP	911535	NONE	CF–10
ARCH PETROLEUM INC	722144	CF–06	CF–06
Change to ARCH PETROLEUM INC /NEW/	320678	CF–06	CF–06

[1] *See* Release No. 33–7122 (December 19, 1994) [59 FR 67752]. The timing for each phase-in group was included in that release as Appendix A, and the phase-in list as Appendix B. As is true with all rules of the Commission, persons making filings with the Commission are responsible for apprising themselves of their new obligations associated with filing on the EDGAR system. While the Commission attempts to contact registrants in each phase-in group by furnishing a copy of the EDGAR Filer Manual and EDGARLink software prior to phase-in, filers will not be relieved of their electronic filing obligations in the absence of such notification.

[2] 17 CFR 232.901.

[3] Rule 901(b) provides that a party making a filing pursuant to Section 13 or 14 of the Securities Exchange Act of 1934 [15 U.S.C. 78m or 78n, respectively] with respect to a registrant that has become subject to mandated electronic filing is required to submit that filing in electronic format. Consequently, persons filing a Schedule 13D or 13G, a proxy statement, or tender offer material with respect to an electronic filer are required to make such filings electronically.

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
ARETHUSA OFF SHORE LIMITED	867941	NONE	CF–10
ARGUS PHARMACEUTICALS INC /DE/	854691	NONE	CF–10
ARI HOLDINGS INC	792126	CF–06	CF–09
ARIZONA LAND INCOME CORP	830748	CF–06	CF–10
ARKANSAS BEST CORP /DE/	894405	NONE	CF–03
ASSOCIATED GROUP INC	931183	NONE	CF–10
ASTRUM INTERNATIONAL CORP	914478	NONE	CF–10
ATC CAPITAL GROUP LTD	799900	NONE	CF–10
ATCHISON CASTING CORP	911115	NONE	CF–10
ATLANTIC COAST AIRLINES INC	904020	NONE	CF–10
AUSPEX SYSTEMS INC	860749	NONE	CF–10
AUTOCLAVE ENGINEERS INC	350067	CF–05	CF–06
AYP CAPITAL INC	931750	NONE	CF–10
BABBAGES INC	833443	CF–05	REMOVE
BALLARD MEDICAL PRODUCTS	723534	CF–06	CF–04
BALLYS CASINO HOLDINGS INC	908611	NONE	CF–10
BALLYS GRAND INC /DE/	065297	NONE	CF–10
BALLYS HEALTH & TENNIS CORP	770944	NONE	CF–10
BALTIC INTERNATIONAL USA INC	918545	NONE	CF–10
BARRISTER INFORMATION SYSTEMS CORP	754128	CF–06	CF–09
BAY AREA WAREHOUSE STORES INC	932721	NONE	CF–04
BELCOR INC	099286	CF–06	CF–09
BELL MARKETS INC	880801	NONE	CF–04
BIOLASE TECHNOLOGY INC	811240	NONE	CF–10
BLANCH E W HOLDINGS INC	898438	NONE	CF–10
BLUE SKY MLS INC	939215	NONE	CF–07
BNSF CORP	934612	NONE	CF–04
BOARDWALK CASINO INC	915281	NONE	CF–10
BOONTON ELECTRONICS CORP	013191	CF–06	CF–10
BOYD BROS TRANSPORTATION INC	920907	NONE	CF–10
BROADCAST INTERNATIONAL INC	832411	CF–07	CF–09
BROCK EXPLORATION CORP	014399	CF–06	CF–08
BRODERBUND SOFTWARE INC /DE/	812490	NONE	CF–10
BROOKTREE CORP	764271	NONE	CF–10
BROWNE BOTTLING CO	825813	NONE	CF–10
BT ENERGY CORPORATION	716786	CF–07	CF–10
BUILDING MATERIALS CORP OF AMERICA	927314	NONE	CF–10
CALA CO	880803	NONE	CF–04
CALA FOODS INC	838196	NONE	CF–04
CAMCO INTERNATIONAL INC	913267	NONE	CF–10
CAPT CRAB INC	356622	CF–07	CF–07
Change to BAYPORT RESTAURANT GROUP INC	356622	CF–07	CF–07
CARAUSTAR INDUSTRIES INC	825692	NONE	CF–10
CARROLLTON BANCORP	859222	NONE	CF–10
CASINO & CREDIT SERVICES INC	904902	NONE	CF–10
CENTRAL EUROPEAN MEDIA ENTERPRISES LTD	925645	NONE	CF–10
CENTRAL MORTGAGE BANCSHARES INC /MO/	891286	NONE	CF–10
CENTRAL RENTS INC	926845	NONE	CF–10
CENTRAL TRACTOR FARM & COUNTRY INC	928156	NONE	CF–10
CENTRAL VIRGINIA BANKSHARES INC	804561	NONE	CF–10
CERPLEX GROUP INC	915870	NONE	CF–10
CFB BANCORP INC	932780	NONE	CF–10
CHAMPPS ENTERTAINMENT INC	919862	NONE	CF–10
CHARTER GOLF INC	820774	CF–08	CF–08
Change to ASHWORTH INC	820774	CF–08	CF–08
CIBER INC	918581	NONE	CF–10
CIDCO INC	917639	NONE	CF–10
CIMA LABS INC	833298	NONE	CF–10
CITYFED FINANCIAL CORP	744765	NONE	CF–10
CLAIRES STORES INC	034115	CF–05	CF–04
CLASSICS INTERNATIONAL ENTERTAINMENT INC	894789	NONE	CF–10
CMAC INVESTMENT CORP	890926	NONE	CF–10
CMS ENERGY MICHIGAN LIMITED PARTNERSHIP	937910	NONE	CF–05
CNB HOLDINGS INC	912566	NONE	CF–10
COHESANT TECHNOLOGIES INC	928420	NONE	CF–10
COLOROCS CORP /GA/	789990	NONE	CF–10
COLUMBIA BANCORP	834105	NONE	CF–10
COMCAST UK CABLE PARTNERS LTD	919957	NONE	CF–10
COMMUNICATIONS CENTRAL INC	914249	NONE	CF–10
CONGOLEUM CORP	023341	NONE	CF–10

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
CONTEMPRI HOMES INC	897926	NONE	CF–10
CONTINENTAL CABLEVISION INC	355069	NONE	CF–04
CONTINENTAL WASTE INDUSTRIES INC	876035	NONE	CF–07
CONVERSE INC	716934	NONE	CF–10
COPART INC	900075	NONE	CF–10
CORVITA CORP	925174	NONE	CF–10
CROWN LABORATORIES INC /DE/	847385	NONE	CF–10
CURTIS MATHES HOLDING CORP	755229	NONE	CF–10
CVD FINANCIAL CORP	906549	NONE	CF–10
CYPRUS AMAX FINANCE CORP	925132	NONE	CF–10
DEBARTOLO REALTY CORP	912045	NONE	CF–10
DEFAULT PROOF CREDIT CARD SYSTEM INC /FL/	803260	NONE	CF–10
DIAMETRICS MEDICAL INC	895380	NONE	CF–10
DIMECO INC	898037	NONE	CF–10
DOVATRON INTERNATIONAL INC	899047	NONE	CF–10
DRYPERS CORP	894232	NONE	CF–10
DURACRAFT CORP	911561	NONE	CF–10
EASTERN STAINLESS CORP	836437	CF–07	REMOVE
Change to EASTERN STAINLESS CORP /VA/	843867	CF–07	REMOVE
ELECTRONIC CLEARING HOUSE INC	721773	CF–07	CF–08
ELECTRONIC FAB TECHNOLOGY CORP	916797	NONE	CF–10
ELTRAX SYSTEMS INC	797448	NONE	CF–10
EMCARE HOLDINGS INC	900083	NONE	CF–10
EMMIS BROADCASTING CORP	783005	NONE	CF–10
ENERGY CONVERSION DEVICES INC	032878	CF–06	CF–10
ENTREE CORP	814579	CF–06	CF–05
ENVIRONMENT ONE CORP	033081	CF–07	CF–08
EP TECHNOLOGIES INC	896978	NONE	CF–10
EQUITY INNS INC	916530	NONE	CF–10
EQUITY RESIDENTIAL PROPERTIES TRUST	906107	NONE	CF–10
ESQUIRE RADIO & ELECTRONICS INC	033541	CF–06	REMOVE
EVANS SYSTEMS INC	904901	NONE	CF–10
EVANS WITHYCOMBE RESIDENTIAL INC	925267	NONE	CF–10
EYE CARE CENTERS OF AMERICA INC	759896	NONE	CF–10
FAILURE GROUP INC	851520	NONE	CF–10
FALLEYS INC /KS/	835678	NONE	CF–04
FEDERATED DEPARTMENT STORES INC	034945	CF–02	REMOVE
FF HOLDINGS CORP	838448	NONE	CF–10
FIDELITY MEDICAL INC	320017	CF–07	CF–09
FINANCIAL BANCORP INC	855932	NONE	CF–10
FINLAY ENTERPRISES INC /DE	878731	NONE	CF–10
FINLAY FINE JEWELRY CORP	898684	NONE	CF–10
FIRST ALERT INC	918960	NONE	CF–10
FIRST FIDELITY ACCEPTANCE CORP	789874	NONE	CF–10
FISCHER IMAGING CORP	750901	NONE	CF–10
FISHER SCIENTIFIC INTERNATIONAL INC	880430	NONE	CF–10
FLAMEMASTER CORP	037358	CF–07	CF–10
FLORIDA WEST AIRLINES INC	836190	NONE	CF–10
FOCUS SURGERY INC	909727	NONE	CF–10
FOOD 4 LESS GM INC	886141	NONE	CF–04
FOOD 4 LESS HOLDINGS INC /CA	898470	NONE	CF–04
FOOD 4 LESS HOLDINGS INC /DE	936523	NONE	CF–04
FOOD 4 LESS MERCHANDISING INC	880824	NONE	CF–04
FOOD 4 LESS OF CALIFORNIA INC	880823	NONE	CF–04
FOOD 4 LESS OF SOUTHERN CALIFORNIA INC	880825	NONE	CF–04
FORE SYSTEMS INC /DE/	920000	NONE	CF–10
FOUNTAIN POWERBOAT INDUSTRIES INC	764858	NONE	CF–06
FOURTH SHIFT CORP	905724	NONE	CF–10
FPA MEDICAL MANAGEMENT INC	920173	NONE	CF–10
FREDERICKSBURG NATIONAL BANCORP INC	707177	CF–07	REMOVE
FRESH AMERICA CORP	921614	NONE	CF–10
FSB FINANCIAL CORP	920856	NONE	CF–10
GARTNER GROUP INC	749251	NONE	CF–10
GATEWAY BANCORP INC /NY	758029	CF–05	CF–10
GENEMEDICINE INC	907111	NONE	CF–10
GENERAL GROWTH PROPERTIES INC	895648	NONE	CF–10
GENERAL MEDICAL CORP /VA	880123	NONE	CF–10
GENMAR HOLDINGS INC	823619	NONE	CF–10
GENZYME DEVELOPMENT PARTNERS LP	856312	NONE	CF–10
GEONEX CORP	796318	CF–06	CF–08

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
GEORGIA BANK FINANCIAL CORP /GA	880116	NONE	CF–10
GLOBAL TELECOMMUNICATION SOLUTIONS INC	925004	NONE	CF–10
GNAC CORP	311905	NONE	CF–10
GNC ENERGY CORP	043398	CF–07	CF–10
GREATER ROME BANCSHARES INC	928484	NONE	CF–10
GREAT LAKES AVIATION LTD	914397	NONE	CF–10
GREAT PINES WATER CO INC	906285	NONE	CF–10
GRIFFIN REAL ESTATE FUND II	319716	CF–06	CF–08
GRIFFIN REAL ESTATE FUND IV	728526	CF–06	CF–08
GRIFFIN REAL ESTATE FUND V	760451	CF–06	CF–08
GRIFFIN REAL ESTATE FUND VI	783452	CF–06	CF–08
GRIFFITH CONSUMERS CO	801937	CF–05	CF–09
GROW BIZ INTERNATIONAL INC	908314	NONE	CF–10
GUIDANT CORP	929987	NONE	CF–10
HAGGAR CORP	892533	NONE	CF–10
HALLWOOD HOLDINGS INC	874238	CF–10	CF–08
Change to OAKHURST CAPITAL INC	874238	CF–10	CF–08
HALLWOOD INDUSTRIES INC	046535	CF–06	CF–08
Change to STEEL CITY PRODUCTS INC	046535	CF–06	CF–08
HAMILTON FINANCIAL SERVICES CORP	899161	NONE	CF–10
HAMMONS JOHN Q HOTELS INC	930796	NONE	CF–10
HARBOUR CAPITAL CORP	897082	NONE	CF–10
HARRAHS JAZZ CO	916611	NONE	CF–10
HARRIER INC	789847	CF–07	CF–09
HEALTH MANAGEMENT SYSTEMS INC	861179	NONE	CF–10
HEILEMAN G BREWING CO INC	914982	NONE	CF–10
HELEN OF TROY LTD	916789	NONE	CF–10
H.E.R.C. PRODUCTS INC	919010	NONE	CF–10
HFC REVOLVING CORP	923147	NONE	CF–10
HOMECAPITAL INVESTMENT CORP	320545	NONE	CF–10
HOTEL INVESTORS CORP	316206	CF–04	CF–04
Change to STARWOOD LODGING CORP	316206	CF–04	CF–04
HOTEL INVESTORS TRUST	048595	CF–04	CF–04
Change to STARWOOD LODGING TRUST	048595	CF–04	CF–04
HOUSEHOLD AFFINITY FUNDING CORP	906327	NONE	CF–10
HOUSEHOLD RECEIVABLES FUNDING CORP	877655	NONE	CF–10
HOUSEHOLD RECEIVABLES FUNDING CORP II	894153	NONE	CF–10
HOUSTON OIL TRUST	355118	CF–05	REMOVE
HRSI FUNDING INC	880283	NONE	CF–10
ICU MEDICAL INC /DE	883984	NONE	CF–10
IMAGE SYSTEMS CORP	049852	NONE	CF–10
IN BRAND CORP	909278	NONE	CF–10
INCONTROL INC	871629	NONE	CF–10
INDEPENDENT BANCORP OF ARIZONA INC	915305	NONE	CF–10
INDEPENDENT RESEARCH AGENCY FOR LIFE.			
INSURANCE INC	354242	NONE	CF–10
INDUSTRIAL TRAINING CORP	764867	NONE	CF–10
INFORMATION SOLUTIONS INC	723574	CF–07	CF–07
Change to IMAGE SOFTWARE INC	723574	CF–07	CF–07
INNERDYNE INC	822084	NONE	CF–10
INNERSPACE INC	891162	NONE	CF–10
INNOVATIVE GAMING CORP OF AMERICA	897795	NONE	CF–10
INSITUFORM SOUTHEAST CORP	799096	CF–06	CF–09
Change to ENVIROQ CORP	799096	CF–06	CF–09
INTEGRACARE INC	912081	NONE	CF–10
INTELLICORP INC	730169	CF–06	CF–10
INTERIM SERVICES INC	914536	NONE	CF–10
INTERLINK ELECTRONICS	828146	NONE	CF–10
INTERTAN INC	803227	NONE	CF–10
INTUIT INC	896878	NONE	CF–10
INVESTORS INSURANCE GROUP INC	043340	CF–06	CF–08
IPC INFORMATION SYSTEMS INC	923071	NONE	CF–04
IPI INC	921753	NONE	CF–10
ITT EDUCATIONAL SERVICES INC	922475	NONE	CF–10
IVI PUBLISHING INC	910391	NONE	CF–10
JACKSON HEWITT INC	840346	NONE	CF–10
JACQUES MILLER REALTY PARTNERS LP	703710	CF–07	REMOVE
JACQUES MILLER REALTY PARTNERS LP IV	784040	CF–06	REMOVE
JEFFERSON SMURFIT CORP	727742	CF–02	CF–02
Change to JSCE INC	727742	CF–02	CF–02

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
JOS A BANK CLOTHIERS INC	814675	NONE	CF–10
JP FOODSERVICE INC	928395	NONE	CF–10
JUPITER NATIONAL INC	043620	NONE	CF–10
KANEB PIPE LINE PARTNERS LP	853890	CF–05	CF–04
KBK CAPITAL CORP	921559	NONE	CF–10
KENETECH CORP	807708	NONE	CF–10
KEPTEL INC	819840	CF–07	REMOVE
KFX INC	912365	NONE	CF–10
KIRLIN HOLDING CORP	930797	NONE	CF–10
KMS INDUSTRIES INC	056356	CF–06	CF–09
KM SYSTEMS INC	730991	CF–06	CF–10
KNICKERBOCKER CAPITAL CORPORATION	818806	NONE	CF–10
KNICKERBOCKER VILLAGE INC	056396	CF–07	CF–09
KP GRUBB & ELLIS REALTY INCOME FUND LP	806186	CF–07	CF–09
KP MILLER REALTY GROWTH FUND I LP	700834	CF–06	CF–09
KRELITZ INDUSTRIES INC	056808	CF–06	REMOVE
KRUPP INSTITUTIONAL MORTGAGE FUND.			
LTD PARTNERSHIP	757549	CF–06	CF–04
KURZWEIL APPLIED INTELLIGENCE INC /DE/	769191	NONE	CF–10
LANDAIR SERVICES INC	912728	NONE	CF–10
LANDRYS SEAFOOD RESTAURANTS INC	908652	NONE	CF–10
LEADER FINANCIAL CORP	901829	NONE	CF–10
LEASEWAY TRANSPORTATION CORP	313153	NONE	CF–10
LIFECELL CORP	849448	NONE	CF–10
LINCOLN SNACKS CO	914642	NONE	CF–10
LOCKHEED MARTIN CORP	936468	NONE	CF–05
LODGENET ENTERTAINMENT CORP	911002	NONE	CF–10
LOTTERY ENTERPRISES INC	896195	NONE	CF–10
LSB FINANCIAL CORP	930405	NONE	CF–10
LUND INTERNATIONAL HOLDINGS INC	820526	CF–07	CF–09
LXR BIOTECHNOLOGY INC	899504	NONE	CF–10
LYMAN LUMBER CO /MN	889605	NONE	CF–10
MADISON GROUP ASSOCIATES INC /DE/	016926	CF–07	CF–10
MCDERMOTT J RAY SA	934590	CF–10	CF–07
MCMORAN OIL & GAS CO /DE/	921941	NONE	CF–10
MCRAE INDUSTRIES INC /DE	729284	CF–06	CF–05
MEDICALCONTROL INC	897546	NONE	CF–10
MEDITE CORP	934610	CF–10	CF–04
MERIX CORP	921365	NONE	CF–10
MICROCHIP TECHNOLOGY INC	827054	NONE	CF–10
MICRO INTEGRATION CORP /DE/	920863	NONE	CF–10
MICROTEST INC	891920	NONE	CF–10
MICROS TO MAINFRAMES INC	906282	NONE	CF–10
MIDLAND RESOURCES INC /TX/	868424	NONE	CF–10
MMI COMPANIES INC	767308	NONE	CF–10
MNX INC	795425	CF–05	CF–05
Change to MARK VII INC	795425	CF–05	CF–05
MONTEDISON SPA /ITALY/	814287	NONE	CF–07
MORNINGSTAR FOODS INC	832768	CF–03	CF–03
Change to MORNINGSTAR GROUP INC	832768	CF–03	CF–03
MOSLER INC	792851	NONE	CF–10
MOUNTAIN PARKS FINANCIAL CORP	901375	NONE	CF–10
MULTIVEST REAL ESTATE FUND LTD SERIES VI	068842	CF–06	REMOVE
MUTUAL RISK MANAGEMENT LTD	826918	NONE	CF–10
NATIONAL CITY BANCORPORATION	069968	NONE	CF–10
NATIONAL GAMING CORP	929929	NONE	CF–10
NATIONAL GOLF PROPERTIES INC	905897	NONE	CF–10
NATIONAL GYPSUM CO /DE/	910071	NONE	CF–10
NATTEM USA INC	729443	NONE	CF–10
NEOSTAR RETAIL GROUP INC	932790	NONE	CF–08
NETCOM ON LINE COMMUNICATION SERVICES INC	909624	NONE	CF–10
NEURO NAVIGATIONAL CORP	896726	NONE	CF–10
NEVADA ENERGY COMPANY INC	712803	NONE	CF–10
NEW DOSKOCIL INC	938348	NONE	CF–06
NEW WORLD COMMUNICATION GROUP INC	916083	NONE	CF–10
NOEL GROUP INC	829269	NONE	CF–10
NORTHERN STATES FINANCIAL CORP /DE	744485	NONE	CF–10
NORWOOD PROMOTIONAL PRODUCTS INC	902793	NONE	CF–10
NOVA CAPITAL INC	840404	CF–09	CF–09
Change to VISUAL EQUITIES INC	840404	CF–09	CF–09

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
NSC SERVICE GROUP INC	810111	CF–09	CF–09
Change to FIBERCORP INTERNATIONAL INC	810111	CF–09	CF–09
NU KOTE HOLDING INC /DE	812423	NONE	CF–10
NVF CO	073515	CF–05	CF–09
N-VIRO RECOVERY INC	895565	CF–10	CF–10
Change to SYNAGRO TECHNOLOGIES INC	895565	CF–10	CF–10
ODETICS INC	350868	CF–05	CF–06
OF COUNSEL ENTERPRISES INC	912146	NONE	CF–10
OPPENHEIMER LANDMARK PROPERTIES LIQUIDATING TRUST	205741	CF–07	CF–10
OPTEX BIOMEDICAL INC /DE/	920374	NONE	CF–10
OPTIONS CLEARING CORP	074751	NONE	CF–10
ORPHAN MEDICAL INC	929548	NONE	CF–10
OSMONICS INC	075049	CF–05	CF–04
OSULLIVAN INDUSTRIES HOLDINGS INC	915354	NONE	CF–10
OTTAWA FINANCIAL CORP	920604	NONE	CF–10
OXFORD RESOURCES CORP	911570	NONE	CF–10
PACIFIC SUNWEAR OF CALIFORNIA INC	874841	NONE	CF–10
PAGEMART INC	922227	NONE	CF–10
PANDA PROJECT INC	917736	NONE	CF–10
PARALLAN COMPUTER INC	864568	NONE	CF–10
PARIS BUSINESS FORMS INC	789660	CF–06	CF–08
PARKERVISION INC	914139	NONE	CF–10
PATHFINDER CORP	757073	NONE	CF–10
PAXSON COMMUNICATIONS CORP	923877	NONE	CF–10
PENN OCTANE CORP	893813	NONE	CF–10
PEOPLES BANK CORP OF INDIANAPOLIS	796322	NONE	CF–10
PEOPLES FINANCIAL CORP	770460	NONE	CF–10
PERSEPTIVE TECHNOLOGIES II CORP	914842	NONE	CF–10
PETCO ANIMAL SUPPLIES INC	888455	NONE	CF–10
PET FOOD WAREHOUSE INC	909752	NONE	CF–10
PETROCORP INC	911359	NONE	CF–10
PHARMACEUTICAL RESOURCES INC	878088	NONE	CF–04
PHYSICIAN CORPORATION OF AMERICA /DE/	812929	NONE	CF–10
PHYSICIANS CLINICAL LABORATORY INC	890685	NONE	CF–10
PLM EQUIPMENT GROWTH FUND	788813	CF–05	CF–04
PLM TRANSPORTATION EQUIPMENT PARTNERS.			
IXD 1986 INCOME FUND	778794	CF–08	CF–07
PMC COMMERCIAL TRUST /TX	908311	NONE	CF–10
PMT SERVICES INC /TN/	923410	NONE	CF–10
POLARIS INDUSTRIES INC /MN	931015	NONE	CF–04
PREFERRED ENTERTAINMENT INC	906606	NONE	CF–10
PRINCETON NATIONAL BANCORP INC	707855	NONE	CF–10
PRINTRONIX INC	311505	CF–05	CF–04
PROBAC INTERNATIONAL CORP	800401	CF–08	CF–08
Change to TRIDENT ENVIRONMENTAL SYSTEMS	800401	CF–08	CF–08
PROGRAMMING & SYSTEMS INC	080630	CF–06	REMOVE
PROPHET 21 INC	917823	NONE	CF–10
PROTECTION ONE INC	916230	NONE	CF–10
PS CAROLINAS BALANCED FUND LTD	724536	CF–07	REMOVE
QUALCOMM INC /DE/	804328	NONE	CF–10
QUALITY DINING INC	917126	NONE	CF–10
QUALITY SEMICONDUCTOR INC	869886	NONE	CF–10
QUICKRESPONSE SERVICES INC	906551	NONE	CF–10
QUME CORP	812544	CF–05	CF–10
Change to DTC DATA TECHNOLOGY CORP	812544	CF–05	CF–10
RAILTEX INC	877326	NONE	CF–10
RAUCH INDUSTRIES INC	715817	CF–06	CF–09
RECONDITIONED SYSTEMS INC	891915	NONE	CF–10
REDWOOD EQUIPMENT LEASING INCOME FUND LP	857615	NONE	CF–10
RENT WAY INC	893046	NONE	CF–10
RESIDENTIAL ASSET SECURITIES CORP	932858	NONE	CF–04
R H MACY & CO INC	794367	CF–10	CF–06
Change to FEDERATED DEPARTMENT STORES INC /DE/	794367	CF–10	CF–06
RICKEL HOME CENTERS INC	929036	NONE	CF–10
ROSEWOOD CARE CENTERS CAPITAL FUNDING CORP	909110	NONE	CF–10
ROSEWOOD CARE CENTERS INC OF ALSTON	909117	NONE	CF–10
ROSEWOOD CARE CENTERS INC OF EAST PEORIA	909115	NONE	CF–10
ROSEWOOD CARE CENTERS INC OF GALESBURG	909114	NONE	CF–10
ROSEWOOD CARE CENTERS INC OF MOLINE	909118	NONE	CF–10
ROSEWOOD CARE CENTERS INC OF PEORIA	909116	NONE	CF–10

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
ROSEWOOD CARE CENTERS INC OF SWANSEA	909113	NONE	CF–10
ROTOR TOOL CO	085357	CF–05	REMOVE
ROTTLUND CO INC	891329	NONE	CF–10
ROYAL CANADIAN FOODS CORP	911318	NONE	CF–10
ROYAL GRIP INC	910568	NONE	CF–10
RURAL METRO CORP /DE/	906326	NONE	CF–10
S3 INC	850519	NONE	CF–10
SABER SOFTWARE CORP	862564	NONE	CF–10
SAGE TECHNOLOGIES INC	876346	CF–10	CF–10
Change to AMERIDATA TECHNOLOGIES INC	876346	CF–10	CF–10
SALVATORI OPHTHALMICS INC	823187	CF–07	CF–07
Change to AMERICAN CONSOLIDATED LABORATORIES INC	823187	CF–07	CF–07
SANMARK STARDUST INC	093631	CF–05	CF–05
Change to MOVIE STAR INC	093631	CF–05	CF–05
SANTA CRUZ OPERATION INC	851560	NONE	CF–10
SAVOY PICTURES ENTERTAINMENT INC	897079	NONE	CF–10
SBC TECHNOLOGIES INC /DE/	812955	CF–06	REMOVE
SCRIPT SYSTEMS INC	750485	NONE	CF–10
SDO PARENT CO /CA	940170	NONE	CF–06
SEARCH EXPLORATION INC	853630	NONE	CF–10
SECURITY CAPITAL INDUSTRIAL TRUST	899881	NONE	CF–10
SEDA SPECIALTY PACKAGING CORP	912034	NONE	CF–10
SELECT BEVERAGES INC	797279	NONE	CF–10
SELMER CO INC	918904	NONE	CF–10
SENSOR CONTROL CORP	806168	CF–07	CF–07
Change to SAFETYTEK CORP	806168	CF–07	CF–07
SHOE CARNIVAL INC	895447	NONE	CF–10
SIGMATRON INTERNATIONAL INC	915358	NONE	CF–10
SILVER KING COMMUNICATIONS INC	891103	NONE	CF–10
SIMETCO INC	073967	CF–06	REMOVE
Change to OHIO FERRO ALLOYS CORP /OH/	073967	CF–06	REMOVE
SIMMONS OUTDOOR CORP	907585	NONE	CF–10
SIMON PROPERTY GROUP INC	912564	NONE	CF–10
SLB MIDWEST FUTURES FUND LP	924875	NONE	CF–10
SMITH MADRONE VINEYARDS & WINERY	921822	NONE	CF–10
SOFTWARE ETC STORES INC	883999	CF–10	REMOVE
SPECIALTY EQUIPMENT COMPANIES INC	814013	NONE	CF–10
SPECTRANETICS CORP	789132	NONE	CF–10
SPORTS & RECREATION INC	890093	NONE	CF–10
SPRINGHILL LAKE INVESTORS LTD PARTNERSHIP	763399	NONE	CF–10
SP VENTURES INC	927653	CF–04	CF–04
Change to MCKESSON CORP	927653	CF–04	CF–04
STARCRAFT AUTOMOTIVE CORP	906473	NONE	CF–10
STARLOG FRANCHISE CORP	907435	NONE	CF–10
STATER BROS HOLDINGS INC	882829	NONE	CF–10
STRATASYS INC	915735	NONE	CF–10
SUMMIT PETROLEUM CORP	353196	NONE	CF–10
SUN HEALTHCARE GROUP INC	904978	NONE	CF–10
SURGICAL CARE AFFILIATES INC	722692	CF–05	CF–04
SUSSEX VENTURES LTD	876320	CF–10	CF–10
Change to AGRIBIOTECH INC	876320	CF–10	CF–10
SWEETWATER INC	914271	NONE	CF–10
SYBASE INC	768262	NONE	CF–10
SYNTELLECT INC	758830	NONE	CF–10
SYSTEM INDUSTRIES INC	317781	CF–05	CF–07
Change to ANCHOR PACIFIC UNDERWRITERS	317781	CF–05	CF–07
TECHNOLOGY FUNDING PARTNERS I	744964	CF–07	CF–06
TECHNOLOGY FUNDING PARTNERS II	772001	CF–07	CF–06
TECHNOLOGY FUNDING SECURED INVESTORS III	844217	CF–09	CF–06
TERMIFLEX CORP	726431	CF–07	REMOVE
TESSCO TECHNOLOGIES INC	927355	NONE	CF–10
TETRA TECH INC	831641	NONE	CF–10
THOMPSON PBE INC	929035	NONE	CF–10
TIMES MIRROR CO	098349	CF–02	REMOVE
TIMES MIRROR CO /NEW/	925260	NONE	CF–05
TIME WARNER ENTERTAINMENT CO LP	893657	NONE	CF–10
TITAN WHEEL INTERNATIONAL INC	899751	NONE	CF–10
TOWER AUTOMOTIVE INC	925548	NONE	CF–10
TRIPOS INC	920691	NONE	CF–10
ULTIMATE ELECTRONICS INC	911626	NONE	CF–10

CHANGES FROM CORPORATION FINANCE EDGAR PHASE-IN LIST AS PUBLISHED IN SECURITIES ACT RELEASE #33–7122 (DECEMBER 19, 1994)—Continued

Name	CIK No.	Former group	New group
ULTRATECH STEPPER INC	909791	NONE	CF–10
UNAPIX ENTERTAINMENT INC	902787	NONE	CF–10
UNIPHASE CORP /CA/	912093	NONE	CF–10
UNIROYAL INVESTORS MANAGEMENT CO	890096	CF–10	CF–10
Change to UNIROYAL TECHNOLOGY CORP	890096	CF–10	CF–10
UNITED FINANCIAL BANKING COMPANIES INC	714286	CF–06	CF–09
UNITED STATES PAGING CORP	813239	NONE	CF–10
UNITED VANGUARD HOMES INC /DE	021221	NONE	CF–10
UNITED VIDEO SATELLITE GROUP INC	913061	NONE	CF–10
UNITED WASTE SYSTEMS INC	879688	NONE	CF–10
US 1 INDUSTRIES INC	351498	NONE	CF–10
U S ALCOHOL TESTING OF AMERICA INC	853017	NONE	CF–10
UTI ENERGY CORP	912899	NONE	CF–10
VALLEY FINANCIAL CORP /VA/	921590	NONE	CF–10
VANDERBILT MORTGAGE & FINANCE INC	816512	NONE	CF–10
VARCO INTERNATIONAL INC	102993	CF–05	CF–04
VASTAR RESOURCES INC	918252	NONE	CF–10
VEECO INSTRUMENTS INC	103145	NONE	CF–10
VENTRITEX INC	793354	NONE	CF–10
VENTURE ENTERPRISES INC	778165	CF–09	CF–09
Change to HANOVER GOLD COMPANY INC	778165	CF–09	CF–09
VERDIX CORP	722056	CF–06	CF–09
Change to RATIONAL SOFTWARE CORP	722056	CF–06	CF–09
VETERINARY CENTERS OF AMERICA INC	817366	NONE	CF–10
VICON INDUSTRIES INC /NY/	310056	CF–05	CF–06
VIDEONICS INC	932113	NONE	CF–10
VIDEOTELECOM CORP /DE/	884144	CF–10	CF–10
Change to VTEL CORP	884144	CF–10	CF–10
VISTA BANCORP INC	831979	NONE	CF–10
WALKER INTERNATIONAL INDUSTRIES INC	104224	CF–07	CF–09
WALTER INDUSTRIES INC /NEW/	837173	NONE	CF–05
WASHINGTON HOMES INC	104834	NONE	CF–10
WATSON PHARMACEUTICALS INC	884629	NONE	CF–10
WEGENER CORP	715073	CF–06	CF–07
WELLFLEET COMMUNICATIONS INC	876516	CF–10	CF–10
Change to BAY NETWORKS INC	876516	CF–10	CF–10
WHAT A WORLD INC /DE/	931073	NONE	CF–10
WHITE RIVER CORP	913338	NONE	CF–10
WILLIAMS INDUSTRIES INC	107294	CF–05	CF–10
WILSHIRE TECHNOLOGIES INC	891762	NONE	CF–10
WINSLOEW FURNITURE INC	931814	NONE	CF–10
WINSTON HOTELS INC	920605	NONE	CF–10
WISCONSIN REAL ESTATE INVESTMENT TRUST	107835	CF–05	CF–09
WISCONSIN SOUTHERN GAS CO INC	107841	CF–06	REMOVE
ZONAGEN INC	897075	NONE	CF–10

Dated: April 6, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–8925 Filed 4–11–95; 8:45 am]

BILLING CODE 8010–01–P

[Release No. 34–35561; File No. SR-GSCC 94–8]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to Mandatory Participation in the Yield-to-Price Conversion Process

April 3, 1995.

On November 8, 1994, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change that will require GSCC netting members to participate in GSCC's yield-to-price conversion process. On February 2, 1995, the Commission published notice of the proposed rule change in the Federal Register to solicit comment from interested persons.[2] No comments were received. This order approves the proposal.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 35285 (January 27, 1995), 60 FR 6579.

I. Description

On October 16, 1992, GSCC implemented its yield-to-price conversion feature, which allows yield trades to be netted and notated on the night the trade is entered and eliminates the need for double submission of when-issued trades.[3] At that time, in order not to impose undue operational or systems burdens on certain firms,

[3] On September 24, 1991, the Commission approved a proposed rule change on a temporary basis that provided authority for GSCC to implement the yield-to-price conversion service. Securities Exchange Act Release No. 29732 (September 24, 1991), 56 FR 49937. The Commission permanently approved GSCC's conversion service on February 4, 1993. Securities Exchange Act Release No. 31820 (February 4, 1993), 58 FR 8072.

participation in the conversion process was not made mandatory.

The conversion service permits GSCC to compare, convert, and net, prior to the U.S. Treasury auction, trades between members in Treasury note and bond issues that have been executed on the basis of the current market yield. GSCC members submit to GSCC trade data for yield trades with the price field blank. GSCC compares the trade on the basis of the yield. At the time of conversion, GSCC calculates the assumed coupon rate based on the par weighted average yield of trades compared by GSCC in each CUSIP adjusted down to the nearest ⅛%. GSCC then uses the assumed coupon rate to convert yield trades to priced trades based on the U.S. Treasury standard conversion formula.

Each day until the coupon rate is set and publicly available, GSCC recalculates the assumed coupon rate for the issue, converts new yield trades to priced trades, and adjusts the prices of previously converted, compared, and netted yield trades. During the pre-auction period, GSCC calucates the clearing fund contribution and the forward mark allocation for participating and nonparticipating members. On the day of the auction, final price data is submitted to GSCC. At that time, the trades are compared and netted on a final price basis.

GSC believes that participation in the yield-to-price conversion process is important for a netting member and for the settlement process in general because otherwise a netting member's when-issued trades do not have GSCC's guarantee of settlement until auction date. Because of this, since October 1992, GSCC has not admitted an entity into netting system membership unless the applicant has agreed to participate in the yield-to-price process at the time of commencement of participation in the netting system. Currently, only one netting member still is not participating in the conversion process, and it is anticipated that it will commence participation in the yield-to-price process by the end of this year.

As a result, participation in the yield-to-price conversion process by netting members will now be mandatory. However, there may be temporary situations, for example when an entity commences its participation in the netting system, in which there are operational or other considerations that render participation in the yield-to-price conversion process difficult for a member. In such circumstances, GSCC will retain the ability to temporarily exempt such member from the requirement to participate in the yield-to-price conversion process. For GSCC's protection, however, GSCC will calculate such member's clearing fund deposit and forward mark allocation payment obligations as if it were participating in the yield-to-price conversion process.

II. Discussion

Section 17A(b)(3)(F) of the Act[4] provides that the rules of a clearing agency must promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds in GSCC's custody or under GSCC's control. In the first order temporarily approving GSCC's yield-to-price conversion service, the Commission found that such service was consistent with Section 17A(b)(3)(F) in that it extended the benefits of GSCC's centralized automated netting system to netting members that execute yield trades. The Commission further stated that the service reduces netting members' exposure to the risk arising from contraparty default prior to the settlement of the transaction by allowing GSCC to interpose itself between the parties to a trade and guarantee performance of each netting member's obligation sooner.

In the order permanently approving GSCC's yield-to-price conversion service, the Commission noted its potential concern about the interplay between voluntary submission of compared trades for GSCC netting and the potential financial exposure to GSCC and its members resulting from the exclusion of those trades from GSCC's netting operation. The Commission further encouraged GSCC to reconsider the appropriateness for netting members to withhold from the netting operation yield trades that were compared. GSCC delayed making the netting of such trades mandatory because some GSCC members needed to make further operational changes to accommodate mandatory netting of trades compared through the yield-to-price conversion system. Currently, only one member is not participating in the conversion process, and GSCC anticipates that such member will commence participation in the yield-to-price process by the end of this year.

Accordingly, the Commission believes that it is appropriate to make participation in the yield-to-price conversion process mandatory. By including more trades in GSCC's netting system, the proposal furthers Section 17A's goals of prompt and accurate clearance of securities transactions. Inclusion of more member trades within GSCC's guarantee and margin requirements is consistent with Section 17A's goals of assurance of the safeguarding of securities and funds in GSCC's custody or under GSCC's control. Thus, the Commission believes that the proposed rule change is consistent with Section 17A(b)(3)(F).

[4] 15 U.S.C. 78q–1(b)(3)(F) (1988).

Conclusion

For the reasons stated above, the Commission finds that the proposed rule change is consistent with Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–GSCC–94–08) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–8924 Filed 4–11–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35571; File No. SR–NYSE–95–01]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Domestic Listing Standards

April 5, 1995.

I. Introduction

On January 18, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its domestic listing standards.

The proposed rule change was published for comment in Securities Exchange Act Release No. 35301 (January 31, 1995), 60 FR 7245 (February 7, 1995). On February 2, and April 5, 1995, the Exchange submitted to the Commission Amendment Nos. 1 and 2 to the proposed rule change. Each of these amendments made a single, non-substantive change to clarify the language of the original filing and are incorporated into the discussion below.[3]

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] Letter from Robert G. Britz, Senior Vice President, New Listings & Client Service, NYSE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated January 27, 1995 (''Amendment No. 1''). Amendment No. 1 is further described at note 11, *infra*. Letter from J. Paul Wyciskala, Managing Director, Financial

Continued

The Commission received one comment letter from the National Association of Securities Dealers, Inc. (''NASD'')[4] and one letter from the NYSE responding to the NASD's comments.[5] This order approves the proposed rule change, including Amendment Nos. 1 and 2.

II. Overview of Proposal

A. Background

Paragraph 102.01 of the NYSE's *Listed Company Manual* sets forth the standards for domestic companies that want to list their equity securities on the Exchange. These standards require applicants to satisfy the following minimum numerical criteria.[6] First, the company must have at least 2,200 total stockholders, together with an average monthly trading volume of 100,000 shares for the most recent six months, or 2,000 round-lot holders.[7] Second, at least 1.1 million shares of the company's stock must be publicly held.[8] Third, the aggregate market value of the publicly held shares must be at least $18 million. In this regard, Paragraph 102.01 of the Exchange's Listed Company Manual states that, while the NYSE places greater emphasis on market value, an additional measure of size is $18 million in net tangible assets. Fourth, the company must have demonstrated earning power such that its income before federal income taxes and under competitive conditions must equal or exceed (a) $2.5 million in the latest fiscal year and $2 million in each of the preceding two fiscal years or (b) $4.5 million in the most recent fiscal year and an aggregate of $6.5 million for the last three fiscal years, with all three years being profitable.

b. Proposed Amendments

The Exchange proposes to amend Paragraph 102.01 to make four changes to its existing numerical criteria. The first two amendments would increase the existing numerical criteria for the aggregate market value of both publicly held shares and net tangible assets from $18 million to $40 million.[9] The third amendment would adopt an alternate shareholder distribution standard for companies whose shares are very actively traded. Specifically, a company with an average monthly trading volume of one million shares for the most recent 12 months could qualify for listing with 500 total stockholders.[10]

Finally, the proposed amendments would adopt an alternate demonstrated earnings power standard for companies that have a market capitalization of at least $500 million and revenues of at least $200 million in their most recent fiscal year.[11] Under this alternative, such companies could qualify for listing if their adjusted net income, as defined below, is positive for each of the last three fiscal years and not less than $25 million in the aggregate for such period.

For purposes of the proposed amendment to Paragraph 102.01, ''adjusted net income'' would be calculated by removing from reported net income (before preferred dividends) the effects of all items whose cash effects are investing or financing cash flows as determined pursuant to Paragraph 28(b) of the Financial Accounting Standards Board's Statement of Financial Accounting Standards No. 95, ''Statement of Cash Flows'' (''FASB Statement No. 95''), subject to the limitations noted below. Examples of such items include depreciation, amortization of goodwill and gains or losses on sales of property, plant and equipment. In contrast to FASB Statement No. 95, however, the proposed rule change would limit the adjustment for the following items to reversing the amount charged or credited in determining net income for that period: (a) Discontinued operations; (b) the cumulative effect of an accounting change; (c) an extraordinary item; and (d) the gain or loss on extinguishment of debt.

III. Comments Received by the Commission

The Commission received one comment letter from NASD[12] and one letter from the NYSE supporting its proposal and addressing the NASD's comments.[13]

The NASD stated that it had no comment on the substance of the NYSE's listing amendments, but that the proposed rule change would pose ''substantial anti-competitive concerns for The Nasdaq Stock Market'' (''Nasdaq'') if NYSE Rule 500 were left in place. NYSE Rule 500 contains the shareholder approval requirements that an issuer needs to satisfy before it can voluntarily withdraw its securities from listing on the NYSE.[14] In this context, the NASD noted that approval of the NYSE's proposed rule change would allow the NYSE to solicit a broader range of companies listed on Nasdaq notwithstanding that Rule 500 would ''make it difficult, if not impossible, for Nasdaq to seek listings from among a potentially enlarged universe of NYSE-listed companies.'' Finally, the NASD stated its belief that ''expanding the NYSE listing standards without eliminating the anti-competitive effect of NYSE Rule 500 is contrary to a free and open market and the national market system, and imposes a burden on competition that is not otherwise justified or in furtherance of the purposes of the Exchange Act'' in violation of Sections 6(b)(5) and (8) and 11A(a)(1)(C)(ii) of the Act.[15] Accordingly, the NASD requested that the Commission require the elimination of the NYSE shareholder approval requirements under Rule 500 before approving the NYSE's alternative listing standards.

Compliance, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated April 5, 1995 (''Amendment No. 2''). Amendment No. 2 is further described at note 10, *infra.*

[4] Letter from Joseph R. Hardiman, President, NASD, to Jonathan G. Katz, Secretary, SEC, dated March 3, 1995 (''NASD Letter'').

[5] Letter from James E. Buck, Senior Vice President and Secretary, NASD, to Jonathan G. Katz, Secretary, SEC, dated March 17, 1995 (''NYSE Letter'').

[6] In deciding whether to approve the listing of an equity security, the NYSE also takes qualitative factors into consideration. These factors include whether the company is a going concern or a successor thereto, the degree of national interest in the company, the character of the market for its products, its relative stability and position in its industry.

[7] In determining the number of holders for the above distribution standards, the NYSE considers both beneficial and record owners.

[8] Shares held by directors, officers or their immediate families and other concentrated holdings of 10% or more are excluded from the public float. Additionally, if the unit of trading is less than 100 shares, the requirement relating to the number of publicly-held shares will be reduced proportionately.

[9] Paragraph 102.01 of the Listed Company Manual provides for an adjustment to the aggregate market value standard whenever the NYSE's Composite Index is below 55.06. Because the value of the Composite Index has remained substantially higher than 55.06 in recent years, no adjustment has been necessary. The Exchange proposal would make a conforming change in Paragraph 102.01 to provide that any such adjustment would be made to the new $40 million aggregate market value standard.

[10] Amendment No. 2 amended Exhibit A to the NYSE's original filing, which set forth the text of the proposed rule change, to make it clear that the NYSE would consider both beneficial and record owners for purposes of determining whether the alternative shareholder distribution standard has been satisfied.

[11] Amendment No. 1 corrected Exhibit A to the NYSE's original filing, which set forth the text of the proposed rule change, by deleting the word ''net'' in the phrase ''net revenues'' as used in the alternate demonstrated earnings power standard. This inaccuracy did not appear, however, in the text of Securities Exchange Act release No. 35301 (January 31, 1995), 60 FR 7245 (February 7, 1995), which published the proposal for comment.

[12] *See* NASD letter, *supra,* note 4.

[13] *See* NYSE letter, *supra,* note 5.

[14] NYSE Rule 500 generally requires that an issuers's proposed withdrawal from listing on the NYSE be approved by the holders of 66⅔% of the outstanding security without the objection of more than 10% of the individual holders thereof.

[15] 15 U.S.C. 78f(b) (5) and (8) and 78k–1(a)(1)(C)(ii) (1988).

In its comment letter, the NYSE asserted that Rule 500 is not related to its pending proposal and that Rule 500 would not affect issuers that list under the proposal any differently from issuers listing under existing requirements. The NYSE also claimed that, if the proposal were adopted, the proposal were adopted, the NYSE would continue to have the highest listing requirements among all domestic equities markets.

IV. Discussion

A. Introduction

After careful consideration of the comments received, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b).[16] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between issuers. The Commission also finds that the proposal is consistent with the requirements of Section 6(b)(8) that the rules of an exchange not impose any burden on competition not necessary or appropriate in furtherance of the purpose of the Act.

B. Background

The development and enforcement of adequate standards governing the initial and continued listing of securities on an exchange is an activity of critical importance to financial markets and the investing public. Listing standards serve as a means for an exchange to screen issuers and to provide listed status only to *bona fide* companies with sufficient public float, investor base, and trading interest to ensure that the market for a company's stock has the depth and liquidity necessary to maintain fair and orderly markets. Adequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market. Once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained.

For the reasons set forth below, the Commission believes that the proposed rule change will provide the NYSE with greater flexibility in determining which equity securities warrant inclusion in its market, without compromising the effectiveness of the Exchange's listing standards, and that the standards do not pose a burden on competition among markets.

C. The Proposed Alternative Listing Standards

As discussed above, the NYSE currently requires a company to meet rigorous standards regarding, among other things, its investor base and its public float before qualifying for listing. The Commission agrees with the NYSE, however, that there are *bona fide* companies that do not meet these measures but that nonetheless have sufficient investor interest to ensure that the market for the company's stock has the depth and liquidity appropriate for auction market trading.

In particular, the Commission believes that it is reasonable for the NYSE to list companies with 500 stockholders given that such companies must have an average monthly trading volume of one million shares, which amount is ten times the normal monthly trading volume currently required by the Exchange under one of its stockholder distribution listing standards for domestic equities. This higher trading volume standard will ensure that listed companies with a smaller shareholder base should nevertheless have sufficient interest to support a liquid market.

Additionally, the Commission believes that the proposed alternative to the existing demonstrated earnings power standard, which is based on net income adjusted for the cash effects of investing or financing cash flows, is adequate to ensure that the NYSE lists only *bona fide* issuers. First, only companies that have a market capitalization of at least $500 million and revenues of at least $200 million in their most recent fiscal year are eligible to use the alternative net income standard to satisfy demonstrated earnings power. These threshold requirements, taken together with the actual alternative standard requiring adjusted net income to be positive for the last three fiscal years and not less than $25 million in the aggregate for such period, should ensure that such companies are of sufficient size and substance so as not to compromise the reasonable expectations of investors regarding the companies that are eligible to trade on the NYSE. Second, the other listing requirements including number of stockholders and publicly held shares as well as the increased aggregate market value and tangible net assets standard will apply to all listed companies including those utilizing the alternative demonstrated earning power criteria. As a result of these requirements, the Exchange's domestic listing standards will continue to provide only for the listing of securities with a sufficient investor base to maintain fair and orderly markets and the listing of companies that are viable, going concerns with substantial aggregate market value or tangible net assets.

Third, the alternative standard to demonstrated earning power using net income adjusted for the cash effects of investing or financing cash flows is based, with certain exceptions, on FAST Statement No. 95, which sets forth a uniform accounting standard for calculation of cash flows. Although the proposal limits certain adjustments to net income that are not included in FASB Statement No. 95, the specific limitations are set forth in the NYSE's listing criteria. Accordingly, the NYSE can apply the standard uniformly and companies will be able to know with certainly whether or not they can meet the alternative demonstrated earnings power test based on net income (as adjusted for the cash effects of investing or financing cash flows).

Finally, the Commission agrees with the NYSE's proposal to increase the aggregate market value and net tangible assets requirements from $18 million to $40 million. These requirements have not been updated since 1984.[17] This substantial increase significantly upgrades the NYSE's listing criteria and should offer further assurances that the current amendments do not weaken the high standards that a listing on the NYSE has traditionally represented.

D. Maintenance Criteria

The NYSE's proposal does not contain separate continued listing standards for the newly proposed initial listing standards. Instead, the NYSE has indicated that, in reviewing companies for continued listing under such standards, it would rely on its broad authority to duelist companies set forth in Exchange Rule 499, which states that securities admitted to the list may be suspended from dealings or removed from the list at any time.[18] Further, the

[16] 15 U.S.C. 78f(b) (1988 and Supp. V 1993).

[17] *See* Securities Exchange Act Release No. 20649 (February 13, 1984), 49 FR 6587 (February 22, 1984).

[18] The Supplementary Material to Rule 499 states that although the Exchange has adopted certain guidelines, ''. . .The Exchange is not limited by what is set forth under the heading 'Numerical and Other Criteria.' Rather, it may make an appraisal of,

Continued

NYSE has stated that, in monitoring companies listed under the proposed alternative standards, companies that subsequently fall substantially below those standards would be considered for relisting. In addition the NYSE also would consider factors for continued listing such as: trading volume; the number of publicly held shares; the aggregate market value of publicly-held shares; the inability to meet current debt obligations or adequately Finance operations; or an abnormally low selling price or volume of trading. The Commission believes that the authority in Rule 499, in addition to the NYSE's clarifications on continued listing under the new standards, gives the NYSE sufficient flexibility to adequately monitor companies listed under the alternative standards being adopted herein and delist such companies where appropriate.

Nevertheless, the NYSE has indicated its intention to develop specific continued listing criteria that correlate to the alternative initial listing standards.[19] The Commission believes this will be useful to the NYSE in monitoring such companies to ensure continued depth and liquidity. In addition, in light of the increase in the initial listing criteria for aggregate market value of shares outstanding and tangible net assets from $18 million to $40 million, the Commission believes that the Exchange should consider updating its continued listing standards for these criteria, which are currently set at $8 million.

E. Burden on Competition

The NASD believes the Commission should disapprove the NYSE's alternate listing standards unless the NYSE first rescinds its Rule 500 because, in the NASD's view, the proposal, when coupled with Rule 500, limits competition for listings. The direct effect of the NYSE's proposal, however, will be to increase the number of companies eligible for NYSE listing. Accordingly, the proposal actually will increase competition for new listings between the NYSE and other self-regulatory organizations. The Commission believes that such an increase in competition, on balance, would benefit the securities markets.[20]

In addition, the NYSE's changes are relatively modest in scope. The NASD has not presented any evidence to indicate that the new requirements will broaden significantly the pool of Nasdaq companies that will become eligible for an NYSE listing under the new standards. Indeed, the NASD comment letter states that already ''most of Nasdaq's largest companies choose to freely remain on Nasdaq rather than switch to the NYSE.'' The NASD has not indicated how the NYSE proposal would change this situation.

The NASD, in effect, is asking the Commission to disapprove a pro-competitive proposal because it believes that another rule of the NYSE creates an anticompetitive barrier to delisting from the NYSE.[21] While the Commission is mindful of the competitive consequences of NYSE Rule 500 and believes those issues should be explored further,[22] the Commission does not believe that the current NYSE listing standards should be frozen in place pending such examination. As a practical matter, the immediate effect of this proposal will be to increase competition for listing, which the Commission believes is in the best interest of the securities markets and consistent with the Act.[23] The broader question of whether delisting standards should be revised is a separate matter that should be considered independently. Moreover, such separate consideration is consistent with the Commission's commitment to expedite the processing of rule filings whenever possible.[24]

V. Conclusion

In summary, based upon the analysis set forth above, the Commission believes this rule change will not weaken the high standards for listing on the NYSE. Further, following this change, the Exchange's domestic listing standards will continue to provide only for the listing of securities with a sufficient investor base to maintain fair and orderly markets. Accordingly, the Commission believes that this rule change adequately protects investors and the public interest.

The Commission further believes that these new standards will provide the NYSE with greater flexibility in determining which equity securities warrant inclusion in its market. Such flexibility will increase competition for new listings between the NYSE and other self-regulatory organizations. The Commission believes that this increase in competition will benefit the securities markets. Accordingly, the Commission does not believe that the rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

Finally, the Commission declines to condition its approval on the NYSE's elimination of its Rule 500. While the Commission recognizes the potentially anti-competitive effect of Rule 500 and urges the NYSE to consider modifications thereto, the Commission believes that approval of the NYSE's proposal is in the best interest of, and will actually foster competition among, the securities markets. The Commission believes that the benefits of such competition should not be delayed pending the resolution of the Rule 500 issues.

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and determine on an individual basis, the suitability for continued listing of an issue in light of all pertinent facts whenever it deems such action appropriate, even though a security meets or fails to meet any enumerated criteria.''

[19] Letter from Robert G. Britz, Senior Vice President, New Listings & Client Service, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated February 28, 1995 and letter from J. Paul Wyciskala, Managing Director, Financial Compliance, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 21, 1995.

[20] In this regard, the Commission believes it is significant that, pursuant to Rule 19c–3 under the Act, 17 CFR 240.19c–3 (1994), NASD market makers still will be able to trade the NYSE's newly listed securities.

[21] In its comments, the NASD stated its belief ''that expanding the NYSE listing standards without eliminating the anticompetitive effect of Rule 500 is contrary to a free and open market and national market system, and imposes a burden on competition that is not otherwise justified or in furtherance of the purposes of the Exchange Act.'' As support for such statement, the NASD cited, among other sections of the Act, Section 11A(1)(C)(ii), which sets forth the finding by Congress that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition between exchange markets and markets other than exchange markets. To the extent the alternate listing standards allow the NYSE to compete for listings of other market centers, it will assure fair competition between exchange markets and other markets consistent with Section 11A of the Act.

[22] *See* Division of Market Regulation, SEC, ''Market 2000, An Examination of Current Equity Market Developments'' (January 1994) at 30 and 31 (''The standards embodied in Rule 500 * * * represent a barrier to delisting that is too onerous, * * * Accordingly, the Division recommends that the NYSE submit a proposed rule change to modify the requirements of NYSE Rule 500. * * * The new standards should rely on a determination by an issuer's board of directors rather than shareholder approval. For example, the new standards could require approval by the board of directors and a majority of the independent directors, or it could require a review of the delisting decision by the board's audit committee.'').

[23] The Commission notes that the alternative listing standards increase the classes of companies that are eligible for listing on the NYSE based upon objective, numerical criteria that are reasonably related to the purposes underlying the NYSE's listing standards. As such, the Commission finds, in accordance with Section 6(b)(5) of the Act, that these standards do not discriminate unfairly between issuers.

[24] *See* Securities Exchange Act Release No. 35123 (December 20, 1994), 59 FR 66692 (December 28, 1994) (amending Rule 19b–4 to expedite the process by which proposed rule changes of self-regulatory organizations are filed and become effective).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[25] that the proposed rule change (SR–NYSE–95–01), including Amendments Nos. 1 and 2, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

[FR Doc. 95–8996 Filed 4–11–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20990; 811–0071]

Commonwealth Investment Trust; Notice of Application

April 6, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Commonwealth Investment Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on March 24, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 1, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, 101 Federal Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

[25] 15 U.S.C. 78s(b)(2) (1988).

[26] 17 CFR 200.30-3(a)(12) (1994).

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On October 29, 1940, applicant registered under the Act as an investment company. To the best knowledge of applicant, a registration statement to register its shares under the Securities Act of 1933 was initially filed on or about October 19, 1938. Applicant's initial public offering commenced in 1938.

2. On October 27, 1993, applicant's board of trustees approved an agreement and plan of reorganization (the ''Plan'') between applicant and Eaton Vance Stock Fund, a registered open-end management investment company (the ''Acquiring Fund'').[1]

3. On December 8, 1993, applicant filed definitive proxy materials with the SEC and mailed such proxy materials to its shareholders. On December 15, 1993, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on December 20, 1993, applicant transferred all, or substantially all, of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On December 17, 1993, applicant had 439,017.095 shares outstanding, having an aggregate net asset value of $8,346,241.30 and a per share net asset value of $19.01.

5. Expenses incurred in connection with the reorganization were approximately $38,291 and were paid by applicant's investment adviser, Invesco Management & Research, Inc.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant's legal existence under Massachusetts law has been terminated.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

[1] According to the proxy statement filed with the Commission by applicant in connection with the reorganization, the board of trustees considered that combining applicant with the Acquiring Fund could produce economies of scale which may be reflected in reduced costs per share. In addition, the board of trustees concluded that the reorganization would allow applicant's shareholders to become affiliated with a fund with similar investment objectives and greater net assets.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–8926 Filed 4–11–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 2188]

Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission (IATTC) will meet on April 26, 1995, from 9:30 a.m. to 12 noon in the Conference Room of the National Marine Fisheries Service Science Center, 8604 La Jolla Shores Drive, La Jolla, California. The meeting will discuss the 1994 fishing year, the status of the tuna and dolphin stocks of the eastern Pacific Ocean, and developments affecting the fishery since the last annual meeting of the Commission. The meeting will be open to the public.

The Advisory Committee will also meet in an afternoon session on April 26, 1995, beginning at 1:30 p.m. This session will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the Annual Meeting of the Inter-American Tropical Tuna Commission to be held in La Jolla, California, June 13–15, 1995. The members of the Advisory Committee will examine various options for the U.S. negotiating position at this meeting, and these considerations must necessarily involve review of classified matters. Accordingly, the determination has been made to close the afternoon session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and 5 U.S.C. 552b(c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. Brian S. Hallman, Deputy Director, Office of Marine Conservation (OES/OMC), Room 7820, U.S. Department of State, Washington, DC 20520–7818. Mr. Hallman can be reached by telephone on (202) 647–2335 or by FAX (202) 736–7350.

Dated: April 5, 1995.

R. Tucker Scully,

Deputy Assistant Secretary for Oceans, Acting.

[FR Doc. 95–8959 Filed 4–11–95; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended March 31, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 50241.
Date filed: March 29, 1995.
Parties: Members of the International Air Transport Association.
Subject: COMP Telex Reso 024f, Local Currency Fare Changes—Spain.
Proposed Effective Date: April 15, 1995.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–8960 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended March 31, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 50239.
Date filed: March 29, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 29, 1995.
Description: Application of Shuttle, Inc., d/b/a USAir Shuttle, pursuant to 49 U.S.C. 41108, applies for a certificate of public convenience and necessity authorizing scheduled foreign air transportation of persons, property, and mail between any point in the United States and any point in Canada, subject to the condition that service to Vancouver and Montreal must be separately authorized for a period of two years, and service to Toronto must be separately authorized for a period of three years, consistent with the phase-in provisions for those three cities in the United States-Canada Air Transport Agreement signed on February 24, 1995.

Docket Number: 50243.
Date filed: March 30, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 27, 1995.
Description: Application of Clipper Air Cargo, Inc., pursuant to 49 U.S.C. section 41102, and subpart Q of the regulations, applies for a certificate of public convenience and necessity authorizing it to engage in foreign charter air transportation of property and mail between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States, and any point or points outside the United States or any territory or possession of the United States.

Docket Number: 50250.
Date filed: March 31, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 28, 1995.
Description: Application of Continental Micronesia, Inc., pursuant to 49 U.S.C. section 41108, and subpart Q of the regulations, to amend Segment 12 of its Route 171 certificate of public convenience and necessity by adding the Philippines to that segment. Continental Micronesia also requests the right to combine service at the points on this route segment with service at other points Continental Micronesia is authorized to serve by certificates or exemptions, consistent with applicable international agreements.

Docket Number: 50251.
Date filed: March 31, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 28, 1995.
Description: Application of Emery Worldwide Airlines, Inc., pursuant to 49 U.S.C. section 41108 and subpart Q of the regulations, applies for an amendment to its certificate of public convenience and necessity for Route 598 authorizing Emery Air to provide scheduled foreign air transportation of property and mail between any point in the United States and any point in Canada. The request is subject to the first year phase-in provisions for all-cargo service at Vancouver, Montreal and Toronto provided for in the U.S.-Canada Air Transport Agreement signed on February 24, 1995.

Docket Number: 50252.
Date filed: March 31, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 28, 1995.
Description: Application of Prime Air, Inc., pursuant to 49 U.S.C. section 41102, and subpart Q of the regulations, for a certificate of public convenience and necessity to engage in foreign charter air transportation of persons, property and mail.

Docket Number: 50253.
Date filed: March 31, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 28, 1995.
Description: Application of Prime Air, Inc., pursuant to 49 U.S.C. section 41102 and subpart Q of the regulations, applies for a certificate of public convenience and necessity to engage in Interstate Charter Air Transportation of persons, property and mail.

Docket Number: 49638.
Date filed: March 27, 1995.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 24, 1995.
Description: Amendment to Application of Uzbekistan Airways, pursuant to 49 U.S.C. section 41302 of the Act and subpart Q of the regulations requests that its application for a foreign air carrier permit be amended to authorize scheduled foreign air transportation of persons, property and mail over the following route: ''Between a point or points in Uzbekistan, and New York, NY-Newark, NJ, via intermediate points.''

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–8961 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

[Summary Notice No. PE–95–16]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I),

dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal statue of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 28, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on April 7, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 26237.
Petitioner: MCI Communications.
Sections of the FAR Affected: 14 CFR 91.611.
Description of Relief Sought: To extend Exemption No. 5332, as amended, which allows MCI Telecommunications to continue to conduct certain ferry flights with one engine inoperative in its Falcon Trijet aircraft without obtaining a special flight permit for each flight.

Docket No.: 28043.
Petitioner: Otis Spunkmeyer Air.
Sections of the FAR Affected: 14 CFR 135.1(b)(2).
Description of Relief Sought: To permit Otis Spunkmeyer Air to conduct nonstop sightseeing flights within a 55 status mile radius of the airport at which such flights begin and end.

Docket No.: 28083.
Petitioner: Western Oklahoma State College.
Sections of the FAR Affected: 14 CFR 141.65.
Description of Relief Sought: To permit Western Oklahoma State College to hold examining authority for the flight instructor and airline transport pilot written tests.

[FR Doc. 95–9026 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–95–17]

Petitions for Exemption Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or emission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 15, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 7, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 128116.
Petitioner: Argo Air Associates, Inc.
Sections of the FAR Affected: 14 CFR 91.851 through 91.875.
Description of Relief Sought: To allow Agro Air Associates, Inc., to be considered the operator of its airplanes for the purposes of compliance with the Stage 3 noise regulations.

Dispositions of Petitions

Docket No.: 23147
Petitioner: Boeing Commercial Airplane Group
Section of the FAR Affected: 14 CFR 91.515(a)(1)
Description of Relief Sought/ Disposition: To extend Exemption No. 4783, as amended, which permits noise measurement tests, Ground Proximity Warning system research and development, and FAA certification tests at altitudes lower than 1,000 feet above the surface.
Grant, March 30, 1995, Exemption No. 4783D

Docket No.: 25552
Petitioner: State of Alaska
Sections of the FAR Affected: 14 CFR 45.29(h)
Description of Relief Sought/ Disposition: To extend Exemption No. 5630, which allows persons operating aircraft within, to, or from the State of Alaska to fly their aircraft across the inner boundaries of the Alaskan Air Defense Identification Zone (ADIZ), or the Defense Early Warning Identification Zone (DEWIZ), without displaying temporary or permanent registration marks at least 12-inch high, unless otherwise required by other provisions of the FAR. The amendment, which is denied, would have made this a permanent exemption.
Partial Grant, March 29, 1995, Exemption No. 5630A

Docket No.: 26178
Petitioner: Continental Airlines, Inc.
Section of the FAR Affected: 14 CFR 121.358
Description of Relief Sought/ Disposition: To extend Exemption No. 5256, as amended, which extends the date by which Continental Airlines, Inc. (CAL) must install windshear

detection equipment in all the aircraft CAL operates. This extension is contingent upon the timely compliance with a Precondition for Effectiveness of Exemption and Margin of Error, which states that this extension will become effective on January 1, 1996, on the condition that at least 188 CAL aircraft of the ''Target type of aircraft'' are equipped with FAA-approved predictive windshear detection equipment by no later than December 31, 1995.

Docket No.: 26412
Petitioner: The Soaring Society of America
Section of the FAR Affected: 14 CFR 61.118
Description of Relief Sought/ Disposition: To extend Exemption No. 5303, as amended, which allows private pilots to log the flight time accumulated while gliders for the Soaring Society of America chapter members, subject to certain limitations.
Grant, March 16, 1995, Exemption No. 5303B

Docket No.: 27609
Petitioner: M. Shannon & Associates
Section of the FAR Affected: 14 CFR 91.9 and 91.531
Description of Relief Sought/ Disposition: To amend Exemption No. 5899, which permits M. Shannon & Associates and the operators of Cessna Citation 500 models (Serial Nos. 0001 through 0349 only) to operate the said aircraft with only one pilot, without a second in command. The amendment affects certain conditions and limitations of the existing exemption.
Grant, March 17, 1995, Exemption No. 5899A

Docket No.: 27750
Petitioner: Trans World Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.339(a)(3)
Description of Relief Sought/ Disposition: To permit Trans World Airlines, Inc., to operate in extended over-water operations with high-intensity hand-held (HIHH) strobe lights in life raft survival kits instead of pyrotechnic flares.
Denial, March 23, 1995, Exemption No. 6044

Docket No.: 27821
Petitioner: Mr. John Saddler
Sections of the FAR Affected: 14 CFR 91.209 (a) and (d)
Description of Relief Sought/ Disposition: To allow the Cedar Rapids Police Department Air Support Division to operate a single-engine land aircraft and single-engine piston and turbine-powered helicopters with their lights turned off for the purpose of covert night surveillance of individuals suspected of involvement in criminal activity.
Grant, March 30, 1995, Exemption No. 6048

Docket No.: 27853
Petitioner: Ms. Frances E. Thomas
Sections of the FAR Affected: 14 CFR 141.35(d)(2)
Description of Relief Sought/ Disposition: To permit Ms. Thomas to serve as chief flight instructor at Smith Aero Flight School, administering a course of training other than those that lead to the issuance of a private pilot certificate or rating, or an instrument rating or a rating with instrument privileges, without the required minimum of 2,000 hours as pilot in command.
Grant, March 28, 1995, Exemption No. 6046

Docket No.: 27881
Petitioner: TransNorthern Air Service
Sections of the FAR Affected: 14 CFR 43.3(g)
Description of Relief Sought/ Disposition: To allow pilots employed by TransNorthern Air Service to perform the preventative maintenance function of removing or installing passenger seats in its aircraft that are operated under 14 CFR part 135.
Grant, January 24, 1995, Exemption No. 6031

Docket No.: 28097
Petitioner: Columbia Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 133.19(a)(3) and 133.51
Description of Relief Sought/ Disposition: To allow Columbia Helicopters, Inc., to conduct external-load operations in the United States using a Canadian-registered rotorcraft, specifically, a Boeing Vertol 107.
Grant, March 28, 1995, Exemption No. 6045

[FR Doc. 95–9027 Filed 4–11–95; 8:45 am]
BILLING CODE 4910–13–M

Receipt of Noise Compatibility Program and Request for Review for Saipan International Airport, Saipan, Northern Mariana Islands

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Saipan International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) (hereinafter referred to as ''the Act'') and 14 CFR part 150 by the Commonwealth Ports Authority. This program was submitted subsequent to a determination by the FAA that the associated noise exposure maps submitted under 14 CFR part 150 for Saipan International Airport were in compliance with applicable requirements effective February 14, 1994. The proposed noise compatibility program will be approved or disapproved on or before September 25, 1995.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is March 29, 1995. The public comment period ends May 28, 1995.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Engineer/ Planner, Honolulu Airports District Office, Federal Aviation Administration, Box 50244, Honolulu, Hawaii 96850. Telephone 808/541–1243. Street Address: 300 Ala Moana Boulevard, room 7116, Honolulu, Hawaii, 96813. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Saipan International Airport which will be approved or disapproved on or before September 25, 1995. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Saipan International Airport, effective on March 29, 1995. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further

review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before September 25, 1995.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, 800 Independence Avenue, SW., room 617, Washington, DC 20591

Federal Aviation Administration, Western-Pacific Region Office, 15000 Aviation Boulevard, room 3012, Hawthorne, California 90261

Federal Aviation Administration, Honolulu Airports District Office, 300 Ala Moana Boulevard, room 7116, Honolulu, Hawaii 96813

Commonwealth Ports Authority, Saipan International Airport, Saipan, Northern Mariana Islands

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California, on March 29, 1995.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 95–8953 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

Civil Tiltrotor Development Advisory Committee; Environment & Safety Subcommittee; Meeting

Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act, Public Law 72–362; 5 U.S.C. (App. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) sponsored Civil Tiltrotor Development Advisory Committee (CTRDAC) Environment & Safety Subcommittee will be on April 18, 1995 at the headquarters of the Airport Council International located at 1775 K Street NW., Suite 500, Washington, DC 20006. The meeting will begin at 10:00 a.m. and conclude by 5:00 p.m.

The agenda for the Environment & Safety Subcommittee meeting will include the following:

(1) Discussion of the draft executive summary.

(2) Review issue papers and draft report material.

(3) Review Subcommittee Assumptions.

(4) Review Subcommittee Work Plan/ Schedule.

All persons who plan to attend the meeting must notify Mrs. Karen Braxton at 202–267–9451 *by April 14, 1995.*

Attendance is open to the interested public, but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting.

Members of the public may provide a written statement to the Subcommittee at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Mrs. Braxton at least three days prior to the meeting.

Issued in Washington, DC, April 3, 1995.

Richard A. Weiss,

Designated Federal Official, Civil Tiltrotor Development Advisory Committee.

[FR Doc. 95–8765 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago O'Hare International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 12, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, IL 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David R. Mosena, Commissioner of the City of Chicago Department of Aviation at the following address: O'Hare International Airport, P.O. Box 66142, Chicago, IL 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, IL 60018, (708) 294–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago O'Hare International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 27, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Chicago Department of Aviation was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 1, 1996.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Actual charge effective date: September 1, 1993

Proposed charge expiration date: December 1, 1999

Total estimated PFC revenue: $532,021,428

Brief description of proposed projects:

Projects To Use PFC

Runway 9R/27L Rehabilitation; Taxiway-Hangar Alley Rehabilitation; Roadway-Hangar Area Lighting; Perimeter Security System—Study/ Design; Concourse E/F Upgrade; Concourse G Upgrade.

Projects To Impose and Use PFC

Military Site Acquisition—Formulation; Shoulder Rehabilitation—

Runway 4R/22L & 9L/27R; ATS Remote Parking Lot Station; Purchase Two New ATS Cars; Oil Separators 1,2,3 Rehabilitation; CTA Dedicated Cars—Study, Cargo Tunnel Structural Repairs.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois, on April 4, 1995.

Ben DeLeon,

Manager, Planning/Programming Branch, Airports division, Great Lakes Region.

[FR Doc. 95–8954 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Chicago Midway Airport, Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago Midway Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 12, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, IL 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David R. Mosena, Commissioner of the City of Chicago Department of Aviation at the following address: O'Hare International Airport, P.O. Box 66142, Chicago, IL 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, IL 60018, (708) 294–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago Midway Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 27, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Chicago Department of Aviation was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 8, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Actual charge effective date: September 1, 1993

Proposed charge expiration date: May 1, 2000

Total estimated PFC revenue: $87,147,158

Brief description of proposed projects:

Impose Only Projects

Runway 4R/22L Reconstruction; Runway Arrestment System.

Projects To Impose and Use

Midway Terminal Development—Planning & Design; Airfield Lighting Control Panel; Land Acquisition—Parcels 50, 57, 64, 65, 66, 68, 70 and 71; Update Part 150; Demonstration Home Soundproofing.

Use Only Projects

Runway 13L/31R Rehabilitation; Landside Pavement Replacement.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois, on April 4, 1995.

Benito DeLeon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 95–8955 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule an Application To Impose a Passenger Facility Charge (PFC) at Cleveland Hopkins International Airport, Cleveland, OH and To Use the Revenue From a PFC at Cleveland Hopkins International Airport and Burke Lakefront Airport, Cleveland, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Cleveland Hopkins International Airport and to use the revenue at Cleveland Hopkins International Airport and Burke Lakefront Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 12, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to William F. Cunningham, Jr., A.A.E. Director of the Department of Port Control at the following address: Cleveland Hopkins International Airport, 5300 Riverside Drive, Cleveland, Ohio 44135.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Department of Port Control under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Dean C. Nitz, Manager, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (313) 487–7300. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose

a PFC at Cleveland Hopkins International Airport and use the revenue at Cleveland Hopkins International Airport and Burke Lakefront Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 3, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Cleveland, Department of Port Control, was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 30, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00
Proposed charge effective date: October 4, 1995
Proposed charge expiration date: January 31, 1997
Total estimated PFC revenue: $21,620,642
Brief description of proposed project(s):

Projects To Impose and Use

Cleveland Hopkins International Airport

NASA Acquisition Study; Acquisition of Analex Office Complex: Asbestos Removal in Terminal.

Burke Lakefront Airport

Passenger Loading Bridges and Baggage Claim Improvements.

Impose Only Projects

Cleveland Hopkins International Airport

Waste Water/Glycol Collection System.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/ Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Department of Port Control, Cleveland Hopkins International Airport.

Issued in Des Plaines, Illinois, on April 4, 1995.

Benito DeLeon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 95–8956 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 95–25; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1994 and 1995 Ford Escort RS Cosworth Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1994 and 1995 Ford Escort RS Cosworth passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1994 and 1995 Ford Escort RS Cosworth passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is May 12, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United Sates unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Sun International Racing of Manhattan Beach, California (Registered Importer R–95–050), has petitioned NHTSA to decide whether 1994 and 1995 Ford Escort RS Cosworth passenger cars are eligible for importation into the United States. The petitioner contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that the 1994 and 1995 Ford Escort RS Cosworth have safety features that comply with Standard Nos. 102 *Transmission Shift Lever Sequence * * *.*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluids*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

The petitioner further contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) inscription of the letters ''ABS'' on the antilock brake system warning light; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment:* (a) Installation of U.S.-model sealed beam headlamps; (b) installation of sidemarker lamps and reflectors; (c) installation of a high-mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* (a) Replacement of the driver's side rearview mirror with one having a flat reflective surface; (b) inscription of the required warning statement on the passenger side rearview mirror.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer system.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate on the left side of the vehicle that is readable from outside the driver's side of the windshield.

Standard No. 118 *Power-Operated Window Systems:* disconnection of the driver's side door jamb switch so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of an air bag warning label; (b) installation of a seat belt warning buzzer. The petitioner states that the vehicle is equipped with both driver's and passenger side air bags, Type 2 seat belts in the front and rear outboard seating positions, and a Type 1 seat belt in the rear center seating position.

Additionally, the petitioner claims that reinforcing material must be installed for the 1994 and 1995 Ford Escort RS Cosworth to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 6, 1995.

Marilynne E. Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–8963 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–24; Notice 1]

Receipt of Petition for Decision That Nonconforming 1994 Porsche 964 Turbo Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1994 Porsche 964 Turbo passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1994 Porsche 964 Turbo that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is May 12, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(A)(1)(a) (formerly section 108(C)(3)(a)(I)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''Wallace'') (Registered Importer R–90–005) has petitioned NHTSA to decide whether 1994 Porsche 964 Turbo passenger cars are eligible for importation into the United States. The vehicle which Wallace believes is substantially similar is the 1994 Porsche 911 Turbo. Wallace has submitted information indicating that the 1994 Porsche 911 Turbo was certified as conforming to all applicable Federal motor vehicle safety standards and was offered for sale in the United States.

The petitioner contends that it carefully compared the 964 and the 911 Turbos, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the 1994 Porsche 964 Turbo, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1994 Porsche 911 Turbo that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1994 Porsche 964 Turbo is identical to the certified 1994 Porsche 911 Turbo with respect to compliance with

Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver from the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 Windshield Zone Intrusion, 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hours.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model turn signal lenses; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: Inscription of the required warning statement on the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: Installation of a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* Installation of a safety belt warning system and a microswitch in the driver's seat belt latch. The petitioner states that the 1994 Porsche 964 Turbo is equipped with a passive restraint system consisting of driver and passenger side air bags and knee bolsters that are identical to those found on the U.S. certified 1994 Porsche 911 Turbo. The petitioner also states that all four seating positions in the 1994 Porsche 964 Turbo are equipped with Type 2 seat belts that comply with the standard.

Additionally, the petitioner states that the 1994 Porsche 964 Turbo must be equipped with front and rear bumper shocks to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 6, 1995.

Marilynne E. Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–8962 Filed 6–11–95; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before April 27, 1995.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
7073–M	Ethyl Corporation, Baton Rouge, LA (see footnote 1)	7073
10442–M	Quantic Industries, Inc., Hollister, CA (see footnote 2)	10442
10692–M	ProTank, Inc., Port Orange, FL (see footnote 3)	10692
10869–M	Norris Cylinder Co., Longview, TX (see footnote 4)	10869
10883–M	Eastpak Corp., Mt. Kisco, NY (see footnote 5)	10883
11156–M	Explosives Technologies International, Wilmington, DE (see footnote 6)	11156

[1] To modify exemption to provide for additional commodities classed in Division 6.1 and Class 3 for transportation in non-DOT specification portable tanks.
[2] To modify exemption to provide for shipment of waste material contaminated with small quantities of explosives in 1G/Y60, 1G/Y115 and 4G/Y30 containers.
[3] To modify exemption to provide for additional model non-DOT specification welded pressure vessel for use in transporting Division 2.1 gas.
[4] To modify the heat treatment schedule of non-DOT specification steel cylinders used to transport certain compressed gases.
[5] To modify the exemption to change the container size of polyethylene injection molded bins for the transportation of medical waste.
[6] To modify the exemption to increase the capacity limit to 60 lbs. in specially designed multi-wall plastic lined bags for use in transporting ammonium nitrate-fuel oil mixture, Division 1.5D.

Application No.	Applicant	Parties to exemption
5951–P	DXI Industries, Inc., Houston, TX	5951
8009–P	Sonoma County Transit, Santa Rosa, CA	8009
8236–P	Chrysler Corporation, Center Line, MI	8236
8451–P	California Advanced Environmental Technology Corp., Hayward, CA	8451
8451–P	Advanced Environmental Technology Corporation, Flanders, NJ	8451
8451–P	Breed Technologies, Inc., Lakeland, FL	8451
8554–P	Viking Explosives & Supply, Inc., Rosemount, MN	8554
8958–P	AeroTech, Inc., Las Vegas, NV	8958
9222–P	Clean Harbors Environmental Services, Inc., Quincy, MA	9222
9275–P	Gensia Laboratories, Ltd., Irvine, CA	9275
9769–P	ENSCO, Inc. d/b/a Division Transport, Eldorado, AR	9769
9769–P	Clean Harbors Environmental Services, Inc., Quincy, MA	9769
9779–P	BJ Services Co., Houston, TX	9779
10001P	J. A. Cunningham Equipment, Inc., Philadelphia, PA	10001
10001P	Nordan Smith Welding Supplies, Hattiesburg, MS	10001
10441P	Enviro-Chem Environmental Services, Inc., Apex, NC	10441
10441P	Clean Harbors Environmental Services, Inc., Quincy, MA	10441
10709P	Mariah Corporation, Broussard, LA	10709
10949P	Clean Harbors Environmental Services, Inc., Quincy, MA	11055
11055P	Clean Harbors Environmental Services, Inc., Quincy, MA	11055
11156P	Dole Explosives, Inc., Rosemount, MN	11156
11254P	Apex Wireline, Inc., Houma, LA	11254
11294P	S&W Waste, Inc., South Kearney, NJ	11294
11356P	Ashland Chemical Company, Columbus, OH	11356

This notice of request of applications for modification of exemptions and for party to en exemption is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 6, 1995.

J. Suzanne Hedgepeth,
Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 95–8965 Filed 4–11–95; 8:45 am]
BILLING CODE 4910–60–M

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 12, 1995.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If conformation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW. Washington, DC.

NEW EXEMPTIONS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
11432–N	Western Atlas International, Houston, TX.	49 CFR 173.61(c), 173.62, E–141, 177.848(g).	To authorize the transportation in commerce of detonators and igniters, Division 1.4S and 1.4G to be transported in the same specially designed packaging. (Modes 1, 3, and 4.)
11433–N	Teledyne Fluid Systems, Brecksville, OH.	49 CFR 173.306(f)	To authorize the transportation in commerce of limited quantities of compressed gases, Division 2.2, in accumulators which deviate from the required test parameters. (Modes 1, 2, 3, 4, and 5.)
11434–N	Fisher Scientific Company, Fair Lawn, NJ.	49 CFR 174.64(j)	To authorize rail cars to remain connected during unloading operation of Class 3 and Division 6.1 materials, without the physical presence of an unloader. (Mode 2.)
11435–N	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a), 176.76(h)(4).	To authorize the manufacture, mark and sale of non-DOT specification portable tank designed and constructed in accordance with ASME Code enclosed in ISO type frame for use in transporting Division 2.2 material. (Modes 1, 3.)
11436–N	B&R Specialties, Inc., Staatsburg, NY.	49 CFR 171.8, 172.101, Col. (8c), 173.197.	To authorize the transportation of regulated medical waste in polyethylene carts mounted on bases with rolling casters transported in specially designed trucks. (Mode 1.)
11439–N	NASA, Washington, DC	49 CFR 173.304(d), 173.34(a)(1).	To authorize the transportation in commerce of a x-ray timing explorer spacecraft equipped with non-DOT specification cylinders containing propane, Division 2.1. (Modes 1, 4.)
11440–N	PPG Industries, Pittsburgh, PA	49 CFR 173.227(c)	To authorize the use of an alternate loading configuration for UN-marked and tested drums containing trimethylacetyl chloride, Division 6.1, PIH, Zone B. (Modes 1, 3, and 4.)
11441–N	Radian Corp., Research Triangle Park, NC.	49 CFR 173.306(e)	To authorize the manufacture, mark and sale of refrigerating machine, containing 7,500 pounds of 1,1,1,2-tetrafluoroethane contained in each pressure vessel to be exempted from specification packaging and placarding requirements. (Mode 3.)
11447–N	Saes Pure Gas, Inc., San Luis Obispo, CA.	49 CFR 173.187(a)	To authorize the transportation in commerce of purifier products containing nickel catalyst classed in Division 4.3, in quantities greater than those currently authorized. (Mode 1.)
11448–N	Amalgamet Canada, Toronto, Ontario, CN.	49 CFR 173.227(b)	To authorize the transportation in commerce of hazard zone B materials that are poisonous inhalation hazards in 55 gallon, stainless steel 1A1 container without an additional overpack. (Modes 1, 3.)
9184–N	American Carbide, L.L.C., Newport Beach, CA.	49 CFR 173.178	To authorize the shipment of calcium carbide and substances which in contact with water emit flammable gases, solid n.o.s. (strontium aluminate), in polyethylene-lined woven propylene collapsible bags in truckload or carload lots only. (Modes 1, 2.)

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 6, 1995.

J. Suzanne Hedgepeth,

Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 95–8964 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–60–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as amended by Pub. L. 99–591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.
ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99–591. Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; Telephone: (202)/395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (BR 6B), Chattanooga, TN 37402–2801; (615)/751–2523.

Type of Request: Regular submission.
Title of Information Collection: Power Distributors Annual Report to TVA.
Type of Affected Public: Businesses or other for-profit, small businesses or organizations.
Small Businesses or Organizations Affected: Yes.
Federal Budget Functional Category Code: 271.
Estimated Number of Annual Responses: 320.
Estimated Total Annual Burden Hours: 3072.
Estimated Average Burden Hours Per Response: 9.6.
Need For and Use of Information: This information collection supplies TVA with financial and accounting information to help ensure that electric power produced by TVA is sold to consumers at rates which are as low as feasible.

William S. Moore,

Senior Manager, Administrative and Transportation Services.

[FR Doc. 95–8999 Filed 4–11–95; 8:45 am]

BILLING CODE 8120–08–P

Sunshine Act Meetings

Federal Register
Vol. 60, No. 70
Wednesday, April 12, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, April 13, 1995–9:30 a.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: April 7, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–9159 Filed 4–10–95; 2:55 pm]

BILLING CODE 6355–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Change in Subject of Meeting

The National Credit Union Administration Board determined that its business requires the deletion of the following item from the agenda of the previously announced open meeting (Federal Register, Vol. 60, Page 18171, April 10, 1995) scheduled for Thursday, April 13, 1995.

5. Request for Midflorida Schools Federal Credit Union for a Field of Membership Expansion.

The Board voted unanimously to delete this item from the open agenda, and that no earlier announcement of this change was possible.

The previously announced open items are:

1. Approval of Minutes of Previous Open Meeting.
2. Request from State of Michigan for Exemption under Section 701.21(h), NCUA's Rules and Regulations, Member Business Loans.
3. Proposed Rule: Amendments to Section 701.21(c)(8), NCUA's Rules and Regulations, Prohibited Fees.
4. Proposed Rule: Amendments to Part 704, NCUA's Rules and Regulations, Corporate Credit Unions.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 95–9883 Filed 4–10–95; 2:56 pm]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of April 10, 1995.

A closed meeting will be held on Friday, April 14, 1995, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Friday, April 14, 1995, at 10:00 a.m., will be:

Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: April 10, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–9144 Filed 4–10–95; 2:55 p.m.]

BILLING CODE 8010–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–95–10]

TIME AND DATE: April 17, 1995 at 2:30 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. TA–201–64 (Fresh Winter Tomatoes)—briefing and vote on the question of provisional relief.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 7, 1995.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 95–9095 Filed 4–10–95; 12:12 pm]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–95–09]

TIME AND DATE: April 26, 1995 at 2:30 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731–TA–696–698 (Final) (Magnesium from China, Russia, and Ukraine)—briefing and vote.
5. Outstanding action jackets:

1. ID–95–012, Institution of section 332 investigation on Global Competitiveness of U.S. Environmental Technology Industries: Air Pollution Prevention and Control.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 7, 1995.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 95–9096 Filed 4–10–95; 12:12 pm]

BILLING CODE 7020–02–P

Federal Register

Wednesday
April 12, 1995

Part II

Department of Health and Human Services

Administration for Children and Families

Request for Applications Under the Office of Community Services' FY 1995 Demonstration Partnership Program (DPP); Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS–95–05]

Request for Applications Under the Office of Community Services' FY 1995 Demonstration Partnership Program (DPP)

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Announcement of availability of funds and request for applications under the Office of Community Services' Demonstration Partnership Program (DPP).

SUMMARY: The Office of Community Services (OCS) announces that, based on availability of funds, applications will be accepted for grants pursuant to the Secretary's authority under section 408(a) (Pub. L. 99–425), of the Human Services Reauthorization Act of 1986 as amended.

CLOSING DATE: The closing date for submission of applications is June 12, 1995.

FOR FURTHER INFORMATION CONTACT: Office of Community Services, Administration for Children and Families, Division of Community Demonstration Programs, 370 L'Enfant Promenade, SW., Fifth Floor, Washington, DC 20447, Attention: Richard Saul, (202) 401–9347.

This Announcement is accessible on the OCS Electronic Bulletin Board for downloading through your computer modem by calling 1–800–627–8886. For assistance in accessing the Bulletin Board, a *Guide to Accessing and Downloading* is available from Ms. Minnie Landry at (202) 401–5309.

Table of Contents

Part I. Introduction

A. Legislative Authority

Section 408 of the Human Services Reauthorization Act of 1986, as amended (Pub. L. 99–425), entitled Demonstration Partnership Agreements Addressing the Needs of the Poor, authorizes the Secretary to make grants to eligible entities in order to stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings, and for the development and implementation of new and innovative approaches to deal with particularly critical needs or problems of the poor which are common to a number of communities. Additionally, the legislation provides for grants to demonstrate new approaches to dealing with the problems caused by entrenched, chronic unemployment and lack of economic opportunities for urban youth.

Proposed projects must be carried out in partnership with other organizations or institutions, public or private, which can be local, regional or national in character, and should, through these partnerships, strengthen the community's socio-economic infrastructure and the integration, coordination, and redirection of community resources to support progress toward self-sufficiency. Projects must include plans and funding for a third party evaluation which can lead to replication of successful programs.

This solicitation is requesting applications with proposal narratives of not more than twenty (20) pages (accompanied by the usual forms and appropriate appendices) on the basis of which funding decisions will be made.

B. Eligibility

Eligible entities for these grants are all current recipients of Community Services Block Grant funds which are officially designated as Community Action Agencies or Community Action Programs under Section 673(1) of the Community Services Block Grant (CSBG) Act, and which meet all the requirements under Section 675(c)(3) of that Act; and organizations serving migrant and seasonal farmworkers which received CSBG funding in Fiscal Year 1994.

In order to establish eligibility, the application must contain a letter signed by the State Director of the Community Services Block Grant program certifying that the applicant is an ''eligible entity'' as defined in Section C below and that it has the capacity to operate the proposed project.

C. Definition of Terms

For purposes of this Announcement, the following definitions apply:

—*Budget Period:* The term ''budget period'' refers to the interval of time into which a multi-year period of assistance (project period) is usually divided for budgetary and funding purposes. (In the case of grants under this Announcement, project and budget periods may run concurrently for up to three years)

—*Case Management:* For purposes of this Announcement, case management includes but is not limited to: assessment of the client's needs, development of a holistic, comprehensive service plan, and delivery of the most efficient and effective mix of services and support in the implementation of that plan.

—*Eligible entity:* Any organization which is officially designated as a community action agency or a community action program under Section 673(1) of the Community Services Block Grant (CSBG) Act, and meets all the requirements under Section 675(c)(3) of the CSBG Act. All ''eligible entities'' are current recipients of Community Services Block Grant funds, including organizations serving migrant and seasonal farmworkers which received

CSBG funding in the previous fiscal year (FY 1994). In those cases where ''eligible entity'' status is unclear, final determination will be made by OCS/ACF.

—*Family:* For purposes of this Notice, family includes the definition of nuclear family, as well as the inclusion of household members and/or the extended family.

—*Hypothesis:* An assumption made in order to test its validity. It should assert a relationship between an intervention and an outcome on a target population. For example, there will be a significant increase in the proportion of (target population) making progress toward self-sufficiency (outcome) who receive and/or participate in (intervention) as compared to those who do not. The outcome must be measurable.

—*Innovative project:* One that departs from or significantly modifies past program practices and tests a new approach(es).

—*Intervention:* Any planned activity within a project that is intended to produce changes in the target population or the environment, and can be formally evaluated.

—*Outcome evaluation:* An assessment of measured results designed to provide a valid determination of the net effects attributable to the intervention. An outcome evaluation will produce and interpret findings related to whether the intervention produced desirable changes and its potential for replicability. It should answer the question, ''Did this program work?''

—*Partnership:* A formal negotiated arrangement between an eligible entity and another organization (or organizations) that provides for substantive collaborative policy and service provision roles for each of the partners in the planning and conduct of the project, the results of which should be better integration of resources and services delivery at the community level.

—*Process evaluation:* Descriptive information that is gathered on the development and implementation of a program/intervention that may serve as a document for replicating the program elsewhere. The evaluation should also identify problems that occurred and how they were dealt with and recommend improved means of future implementation. It should answer the question: ''How was the program carried out?'' In concert with the outcome evaluation, it should also help explain, ''Why did this program work/not work?''

—*Project period:* The term ''project period'' refers to the total time for which a project is approved for support, including any extensions.

—*Self-sufficiency:* A condition where an individual or family, by reason of employment, does not need and is not eligible for, public assistance.

Part II. Background Information

A. Project Periods and Budget Periods

(See Part I, C, Definitions)

Project and budget periods for all DPP projects will be for a minimum of 30 months and a maximum of 36 months. These will consist of:

1. A *six-month start-up period* during which project staff can be hired, agreements with Project Partners will be finalized, the Third Party Evaluator will be brought on board, and the final Project Evaluation Plan will be completed with the assistance of the approved evaluator and the OCS Evaluation Technical Assistance Contractor. This start-up period should be used to refine the project implementation plan and budget to reflect any changes in the evaluation strategy; and during this period the Project Director and the Evaluator will participate in a workshop conference with staff of OCS and the TA contractor;

2. A *twenty-four month (2 year)* operational period during which the project implementation plan will be carried out; and

3. A *close-out period of up to six months* for completion of the final evaluation and report, and any planned dissemination of project results. To insure funding stability throughout the project period, proposed projects must have sufficient non-OCS funds committed so that, combined with FY 95 OCS grant funds, grantees will have sufficient resources to complete their proposed projects and final evaluations. [Note: Where grantees can show that a significant improvement in the extent or validity of evaluation findings will be the result, projects may receive refunding after the two-year operational period, on a competitive basis and subject to the availability of funds, in an amount not to exceed 80 per cent of the original grant for continuation of the project for an additional period of up to thirty (30) months (a start-up period not being required).]

B. Availability of Funds and Grant Amounts

The total appropriated amount for the FY 1995 Demonstration Partnership Program is $7,977,000, of which approximately $7,000,000 will be available for grants pursuant to this Announcement to support new general project grant awards, replication projects, EZ/EC Continuous Improvement grants, and projects directed at the problems of urban youth.

1. For priority areas 1.0 General Projects and 2.0 Replication Projects grant requests will be considered for an amount up to $350,000 in OCS funds for the total budget/project period of up to thirty-six months, except that, of the four suggested Replication Projects under Priority Area 2.0, one will be considered an Urban Youth Project with a maximum grant amount of $500,000, as explained in Part III, below.

2. For priority area 3.0 EZ/EC Continuous Improvement Projects grant requests will be considered for an amount not to exceed $50,000. The project/budget periods for these grants may be up to thirty-six months.

3. For priority area 4.0 Urban Youth Projects grant requests will be considered for an amount up to $500,000 for the total project/budget period of up to 36 months.

C. Matching Funds

An applicant is required to obtain commitment of at least one private or public sector dollar or equivalent in-kind contribution for each dollar of OCS funds awarded for all priority categories except 4.0 Urban Youth. Thus, if an applicant is requesting $250,000 in OCS funds, at least $250,000 worth of additional resources must be committed to the project from private or public sector sources. For Urban Youth Projects, Priority Area 4.0, OCS will fund 80% of the total cost of each project, that is, 80% of the total of the federal and non-federal shares. This means that the match must be 25% of the OCS grant. Thus, if an applicant is requesting $500,000 in OCS funds, which represents 80% of the total project cost, that total cost will amount to $625,000, and the match 20% of that total, or $125,000, which is 25% of the $500,000 OCS grant amount.

Public sector resources that can be counted toward the minimum match include funds from State and local governments, and funds from various block grants allocated to the States by the Federal Government providing the authorizing legislation for these grants permits such use. (Note, for example, that Community Development Block Grant (CDBG) funds may be counted as matching funds; CSBG funds may not.)

Funds identified by the applicant as those to be counted toward the minimum match requirement may be in the form of grantee-incurred costs, cash, or third-party in-kind contributions fairly valued. OCS is recommending

that at least 50% of the match be provided by the proposed partners through the delivery of specific services or resources to the client population. Such resources must be definitely committed or contingent only upon receipt of an OCS grant, and must be applied to specific project activities within the OCS-approved project and used only for project purposes for the duration of the OCS grant. The firm commitment of the specific amounts of matching funds and/or the dollar value of third-party in-kind contributions must be documented in the project application. Documentation of matching funds must be in the form of letters of commitment or intent to commit from the donor, contingent only upon receipt of OCS grant funds.

If any part of match is to be used as a revolving loan fund, those funds must be cash, specifically set-aside for eligible low-income recipients of the project.

Funds expended prior to the approved OCS starting date for a grant cannot be considered as matching funds.

D. Prohibition on the Use of Funds

The use of funds for the purchase or construction of real property is prohibited.

E. Program Beneficiaries

Projects proposed for funding under this announcement must result in direct benefits to low-income persons whose incomes are no more than 125% of the DHHS poverty income guidelines as defined in the most recent Annual Revision of Poverty Income Guidelines published by DHHS.

Attachment C to this Notice is an excerpt from the guidelines currently in effect. Annual revisions of these guidelines are normally published in February or early March of each year. These revised guidelines may be obtained at public libraries, Congressional offices, or by writing the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402. These Guidelines are also accessible on the OCS Electronic Bulletin Board for downloading through your computer modem by calling 1–800–627–8886. For assistance in accessing the Bulletin Board, a Guide to Accessing and Downloading is available from Ms. Minnie Landry at (202) 401–5309.

No other government agency or privately defined poverty guidelines are applicable for the determination of low-income eligibility for this OCS program.

F. Sub-Contracting or Delegating Projects

An applicant will not be funded where the proposal is for a grantee to act as a straw-party, that is, to act as a mere conduit of funds to a third party without performing a substantive role itself. This prohibition does not bar subcontracting or subgranting for specific services or activities needed to conduct the project.

G. Maintenance of Effort

The activities funded under this program announcement must be in addition to, and not in substitution for, activities previously carried on without Federal assistance. Also, funds or other resources currently devoted to activities designed to meet the needs of the poor within a community, area, or State must not be reduced in order to provide the required matching contributions. When legislation for a particular block grant permits the use of its funds as match, the applicant must show that it has received a real increase in its block grant allotment and must certify that other anti-poverty programs will not be scaled back to provide the match required for this project. A signed certificate of Maintenance of Effort must be included with the application (see Attachment J).

H. Multiple Submittals and Multiple Grants

In accordance with the statutory provision that limits grants to any eligible entity to one in any given fiscal year, no eligible applicant will receive more than one grant pursuant to this Announcement.

Part III. Program Priority Areas

1.0 General Demonstration Projects (Approximately $2.4 Million Available)

For Fiscal Year 1995 OCS plans to fund approximately seven General Demonstration Projects at $350,000 or less each.

Applications submitted under this category must focus on developing new and innovative ways of promoting individual and family self-sufficiency among the poor within the context of the communities in which they live. The applicant will be expected to propose solutions that show promise of increasing self-sufficiency and that depart from or modify conventional approaches used by eligible entities. At a minimum, every individual should achieve an economic self-sufficiency goal appropriate to their age group. For adult populations (18 years of age or more) that goal should include a job which will allow individuals to provide for basic needs with the potential for career development that will lead to self-sufficiency within a reasonable period of time, enrollment in an educational program which will lead to such a job, or interim goals on the ladder to self-sufficiency.

While self-sufficiency implies reliance on one's own initiative and abilities, such a transformation cannot occur independently of the context of the relationships, resources, and institutions in the surrounding community. OCS understands the importance to self-sufficiency of such community resources as adequate child care, safe and affordable housing, accessible medical care, good transportation, adequate municipal services and other elements of the community's socioeconomic infrastructure. Also important to real progress toward self-sufficiency is readily available and empathetic help in accessing these institutional resources and the emotional support networks that enable people to overcome adversity and move ahead.

Accordingly, OCS is interested in demonstrations of strategies that offer real promise of transforming the lives of poor individuals and families in part by improving the community infrastructure and the workings of the community's service institutions. Applications should include partnerships with organizations which are providers of services within the community and one of the goals of the partnerships should be a developing shift of focus within these organizations from one of client maintenance to client transformation, and a growing recognition of the value of the agency's services as investments in their clients' communities.

In the spirit of ''local initiative'' OCS looks forward to innovative proposals that grow out of the experience of community action and the needs of the applicants' clientele and communities, and that will make the fruits of local creativity available broadly to others seeking solutions to similar problems.

At the same time, OCS is again interested in receiving applications that propose a realistic plan for harnessing self-sufficiency support activities to Environmental Justice and Sustainable Community Development initiatives in ways which will offer the poor opportunities for long term career development as well as improving the supportive economic infrastructure and facilities of the community. (See Attachment A for a fuller discussion of Environmental Justice and Sustainable Community Development.)

For the purposes of this Announcement, programs falling within the rubric of Environmental Justice and

Sustainable Community Development might include community-based job and career development around lead abatement in low-income dwellings; in clean-up of toxic wastes or leaking underground storage tanks; in holistic ''livable house'' treatment of low-income dwellings which would combine lead abatement with weatherization and the mitigation of other hazards such as asbestos or radon; in the installation and maintenance of alternative and renewable energy technologies in the homes of the poor; in recycling; in the exploitation of new and non-traditional uses of agricultural crops and products; in forest or watershed restoration; in urban pesticide programs designed to reduce the use of toxic pesticides in low income urban communities through Integrated Pest Management and similar techniques; or in the launching of enterprises involving new and non-polluting manufacturing or other commercial methodologies which can provide needed goods and services in ways which are non-polluting and consistent with sustainable community development.

When, in addition, these community-based improvement initiatives capitalize upon significant new public programs or private market forces that offer good potential for continuing financial support of these activities, the initiatives have reasonable chances of growing and prospering, thereby offering additional jobs to entry-level workers and career prospects to employees who perform well. Applications that offer a sound plan for capitalizing upon such public and/or private market forces to provide real employment and career opportunities for low-income individuals will be especially welcome.

Applications which propose initiatives involving activities which will expose program participants or community residents to toxic or poisonous substances, including, but not limited to, lead paint or dust, asbestos, toxic wastes, radon gas, or toxic pesticides, must include, as an appendix to the application, specific assurances that all applicable federal, state, and local laws and regulations for the protection of workers and community residents will be strictly adhered to.

Applications which include job and career development dependent on the securing of contracts for services or successful marketing of goods and/or services must include assurance that such contracts will be forthcoming or assurance based on market surveys or other means that sufficient markets for the proposed goods or services exist to promise a reasonable expectation of project success. Where the development and management of a new business venture are a major focus of the proposed work plan, applicant must provide assurance that such activities will be under the direction of a person or persons having business experience, and the application must include, as an appendix, a Business Plan based on the outline included as Attachment B to this Announcement.

The interventions that applicants propose for this program should be multi-dimensional in nature in order to provide the kind of comprehensive approach needed as an effective basis for individual transformation. They should, where appropriate, address both individual and family progress toward self-sufficiency, and may also involve two or more generations as both providers and beneficiaries of project services.

2.0 Replication Projects (Approximately $1.5 Million Available, Including 1 Urban Youth Project)

The Demonstration Partnership Program is required by its authorizing legislation to invest at least 10% (but no more than 25%) of its appropriation to replicate, in additional geographic areas, previously funded programs that have demonstrated a significant potential for dealing with particularly critical needs or problems of the poor that exist in a number of communities.

For Fiscal Year 1995 OCS plans to fund up to three general replication projects at up to $350,000 each, and one replication urban youth project at up to $500,000, for a total of up to approximately $1,500,000. OCS seeks to stimulate, with these grants, additional experimentation and application of approaches that seem to offer special promise in fostering social and economic self-sufficiency among a variety of low-income people.

The eligibility, match requirements, and time frame for General Replication Projects are the same as for General Demonstration Projects; for Urban Youth Replication Projects they are the same as for Urban Youth Projects.

For FY 1995, OCS has identified four previously funded Demonstration Partnership Projects that have, in their design and implementation, demonstrated a significant potential for dealing successfully with a number of critical needs and problems of poor people in differing circumstances. The four projects are:

A. *Micro-Enterprise Development Program (MEDP), [Now called the Neighborhood Economic Development Self-Employment Program (NEDSEP)],* Philadelphia, sponsored by the Mayor's Office of Community Services, which has successfully carried out a project of Micro-Enterprise/Self-Employment development, supported by training and technical assistance, comprehensive case management, and peer counselling, among homeless residents of a North Philadelphia low-income neighborhood. Project partners included the Philadelphia County Assistance Office, the Philadelphia Private Industry Council (PIC), the Minority Business Enterprise Council, the Philadelphia Office of Services for Homeless and Adults, the Service Corps of Retired Executives, and the Beech Consortium, a consortium of 45 local private and public organizations. The Philadelphia Project can be reached through: Rosalind Johnson, Project Manager, Mayor's Office of Community Services, 1608 N. Carlisle St., Philadelphia, PA 19121, (215) 978–5930.

B. *The Success Connection,* Yakima, Washington, sponsored by Yakima Valley Opportunities Industrialization Center, which has successfully carried out a project of Case Management, support groups, skills training, and family involvement for Hispanic at risk teen-age children of Migrant and Seasonal Farmworker families in the Yakima Valley. In partnership with the state Migrant Education Services, Central Washington University, and local school districts, the project reduced truancy and drop-out rates, increased school attendance and achievement, developed employment opportunities, and encouraged post-secondary schooling among participating youth. The success of the program has led to the State of Washington's decision to support its implementation State-wide. The Yakima Project can be reached through: Mr. Henry Beauchamp, Executive Director, Yakima Valley OIC, 815 Fruitvale Blvd., Yakima, WA 98902, (509) 839–2717.

C. *Homeless Opportunity Project,* Bath, Maine, sponsored by Coastal Economic Development, Inc., which has combined three innovative components into a successful program to foster self-sufficiency among the homeless poor. These include a shelter-based job training program, a system-wide change in delivery of services to an integrated case-management approach, and an assessment instrument which can be used in the design of individualized development plans for program participants. Project partners include the area's homeless shelter and three other local non-profit providers, Shoreline Community Mental Health Systems, the Addiction Resource

Center, and the United Way of Mid-Coast Maine. The Maine Project can be reached through: Jessica Harnar, Executive Director, Coastal Economic Development, Inc., 39 Andrews Road, Bath, ME 04530, (207) 442–7963.

D. *Step-Up Young Father Mentor Program*, Phoenix, Arizona, sponsored by the City of Phoenix Human Services Department in partnership with the Valley Big Brothers/Big Sisters of Arizona, which has successfully brought ''Big Brother'' mentoring to youthful, largely minority (62% Hispanic, 20% Black, 4% Native American) fathers, between the ages of 16 and 22, as part of a comprehensive program of education, pre-employment and skills training, and case management/family development services to enable them to assume greater responsibility for their families. This is the first time that the Big Brother organization nationally has worked with this age group. Additional project partners include the Centers for Advancement of Educational Practices, City of Phoenix Parks, Recreation and Library Dept., Maricopa County Community Colleges, and City of Phoenix Employment and Training. The Phoenix project can be reached through: William Chipman, Project Director, 1250 South 7th Ave., Phoenix, AZ 85007, (602) 262–6907.

OCS is interested in replicating each of these programs in a geographically different but appropriate setting.

The Philadelphia project design should function effectively in another large urban setting with a substantial homeless population. It would seem well suited to a city which has received designation as an Empowerment Zone or Enterprise Community, where activities pursuant to the EZ/EC Strategic Plan could stimulate markets for project participants' enterprises.

The Yakima project design should be tried with Hispanic Farmworker populations in another section of the country, perhaps in California or the Southwest.

The Maine project design should be tried with homeless populations in another rural setting, perhaps in a more economically depressed community to test its applicability to higher concentrations of homeless.

The Phoenix project design should function effectively with minority urban youth in a community with an active Big Brothers/Big Sisters or comparable organization willing to participate as an active partner in the project. In the case of the Phoenix project, the replication project will be considered an Urban Youth project for purposes of grant amount (up to $500,000) and match requirement (25% of the OCS grant amount); but proposals will be reviewed under the Priority Area 2.0 Replication Project Elements and Review Criteria.

In each case, the application for a Replication Project should provide for an extensive site visit or site visits by key staff to the project to be replicated (Host Project), during which such staff can receive orientation training and actually serve a brief apprenticeship in the program. In addition, provision should be made for a site visit by staff of the Host Project to the Replication Project during the first year of its operations. The proposed Project Budget should make provision for the costs of such site visits/apprenticeships, as well as for appropriate consulting fees for staff of the Host Project; and the application should include, as an appendix, a Memorandum of Understanding or Letter of Agreement between the applicant and the Host Project setting forth training/apprenticeship undertakings and the attendant financial arrangements.

3.0 EZ/EC Continuous Improvement Grants (Maximum of $1,000,000 Available)

OCS in FY 1994 made approximately 115 $10,000 DPP grants to CAA's involved locally with developing Strategic Plans for submission to the Departments of HUD and Agriculture seeking designation as Empowerment Zones or Enterprise Communities (EZ/EC). The purpose was to strengthen CAA involvement in the local planning process so as to assure the fullest possible participation of low-income residents of the affected communities.

OCS in FY 1995 is interested in making a number of ''Continuous Improvement'' grants to CAA's or eligible farmworker organizations which had and have major involvement in the planning and implementation of these Strategic Plans in their communities. The purpose of these grants will be to continue to support the involvement of low income residents in the improvement and implementation of these Strategic Plans through activities which will seek to develop innovative ways to increase the self-sufficiency of the poor. Another important purpose of the grants will be to assist grantees to establish or participate in the establishment of a system of information and data collection that will track the activities carried out and identify those which develop and implement new and innovative approaches to deal with particularly critical needs or problems of the poor which are common to a number of communities, including new approaches to dealing with the problems caused by entrenched, chronic unemployment and lack of economic opportunities for urban youth.

OCS proposes, therefore, to fund up to 20 grants of up to $50,000 apiece, for a maximum total of approximately $1,000,000, to enable applicants eligible for the Demonstration Partnership Program to participate in the continuous planning and improvement, and to monitor the implementation, of these Strategic Plans at the local level. OCS hopes these grants will enable grant recipients, through the collection and use of information about strategic planning, implementation and performance, to influence the shape and priorities of these initiatives, and to make possible the closer monitoring of progress at the local community level.

Each grant under this Priority Area will be for up to $50,000. As with Priority Areas 1.0 and 2.0, a 100% match will be required, which can be in cash or in-kind fairly valued, and the operational project time frame for these Continuous Improvement projects is two years, with up to six additional months for start-up and six months after the operational period to complete evaluation and reporting.

OCS expects the project funds to be used to facilitate participation of low income residents and to expand the grantee's human and/or technical resources, which with OCS support will enable it to broaden its involvement in the implementation and monitoring of the Strategic Plan. Applicants are encouraged to contact their State Corporation for National Service Offices and/or their State Commissioner for National Service to discuss possible national service participation in their projects (e.g. Americorps-VISTA, Americorps USA, National Senior Service Corps, Learn and Serve). Such participation could provide two or more volunteers to support the work of the planner and assist staff in the Continuous Improvement project.

Applicants for these Continuous Improvement grants should represent communities that have developed EZ/EC Strategic Plans and are proceeding to implement them, either with or without the support of designation as an Empowerment Zone/Enterprise Community. OCS hopes to make grants to at least two communities that did not receive EZ/EC designation. But in all cases applicants must provide evidence of close working relationships with those involved in the EZ/EC planning and/or implementation process, the local nominating officials, and the other agencies and resources that participated in the development of the community's strategic plan document. Special emphasis should also be given in

applications to establishing and documenting working relationships with additional data collection and analysis resources such as Historically Black Colleges and Universities and Minority Institutions with strong ties to the low-income community.

4.0 Urban Youth Projects (up to $2.5 Million Available, Including 1 Replication Project)

For FY 1995, OCS expects to award five or six grants of up to $500,000 for a total of up to $2.5 million for projects that propose to demonstrate new approaches to dealing with the problems caused by entrenched, chronic unemployment and lack of economic opportunities for urban youth, between 10 and 25 years of age. As noted above, under Priority Area 2.0, these could include one Urban Youth Project for replication of the Step-Up Young Father Mentor Program in Phoenix, Arizona.

The authorizing legislation provides that ''demonstrations shall include such initiatives as peer counseling, mentoring, development of job skills, assistance with social skills, community services, family literacy, parenting skills, opportunities for employment or entrepreneurship, and other services designed to assist such at-risk youth to continue their education, to secure meaningful employment, to perform community service, or to pursue other productive alternatives within the community.''

OCS recognizes that greater self-sufficiency and productivity among urban youth will not occur in isolation of new innovative approaches to address the conditions that prevent dependency. Urban youth, between the ages of ten (10) and twenty-five (25), experience a number of systemic conditions that prohibit the achievement of self-sufficiency and independence as they grow into adulthood.

Over two-thirds of urban youth are born to unmarried women. Nationally, families consisting of children in households headed by unmarried females rose from some 10 percent in 1960 to over 35 percent today, according to the Joint Center for Economic Studies. This development alone has serious economic implications. The growth in female-headed families contributes significantly to the overall deepening of poverty among urban children.

Declines in economic opportunities play at least as great a part in increasing the prevalence of poverty as the change in family structure. The growing prevalence and geographic concentration of urban youth tend to be associated with poor schools, high public social service usage, greater exposure to crime, and fewer employment options.

Urban males who grow up in poor, mother-only families appear to be at special risk for a variety of problems. They are at special risk of becoming alienated and marginalized adults.

Today's urban youth find themselves and their parent(s) caught in a downward shift from working poor (mother-only) families to dependent poor (mother-only) families. They are not only subject to greater economic deprivation, but they:

—Are very likely to be unemployed and on public assistance;
—Grow up with few material or educational resources;
—Are likely to engage in substance abuse and/or criminal activities;
—Lack guidance from responsible adults to teach them how to respect themselves and others while they track through adolescence to adulthood;
—Are at special risk for a variety of behavioral problems;
—Are too often inclined to detach themselves from parental authority; and,
—Are likely to assert themselves in gangs and street cultures that support a flamboyant lifestyle through illicit trafficking.

Applicants are encouraged to develop cooperative learning partnerships of the type that will blend regular classroom curriculum and instructions with stay-in-school programs (including college programs) and the world of work. Innovative concepts might include ideas built around matching scholarship and grant funds offered from other public and private sources to promising low income urban youth.

Projects might also include requests for funds to support diversified occupation projects (projects designed to bridge the gap between school-based programs and the world of work). Envisioned is the promotion of joint projects between local public schools and private sector businesses to develop partial or after school and weekend job apprenticeships or placement opportunities for urban youth. Projects seeking to develop opportunities around computer technology repair work, machine tool manufacturing, and career development in the areas of abatement of environmental hazards and pollution are encouraged.

The target group of disadvantaged youth should not be considered in isolation from the community in which they live. Applicants should seek to involve partners in their project that make possible a comprehensive, holistic approach to individual, family, and community development; including agencies that can assist with parenting, housing, family mentoring, vocational training, day care, transportation, apprenticeships and employment, and interventions in violent situations. OCS is interested, for this set-aside as well as for the other grants, in demonstrations that test the targeting and delivery of these and other services to the disadvantaged youths and their urban neighborhoods and that employ computer workstations and similar strategies for improving the efficiency and effectiveness of the delivery of those services.

Applicants should identify any barriers that might hinder efforts by the project team/partnership to help members of the target population become self-sufficient and include in their proposals specific plans to counteract them. OCS is particularly interested in partnerships that propose creative ways to deal with problems of individual and group violence, including violence as a response to conditions in families and communities that have been subjected to historical patterns of oppression. OCS feels that to assure the safety of all program participants and staff it is essential that such programs be closely coordinated with local law enforcement agencies.

Where projects propose to work with youth 10 to 15 years of age, applicants should consider the stages of youth development and seek to counter unhealthy influences on that development by strengthening this population's sense of community through project activities. It is important, in this regard, that project-related contacts and activities be frequent and intense enough to make a positive impact on participating youths. Applications that include linkages with national and local organizations with significant experience in this issue are encouraged.

Applicants seeking guidance on program design, availability of resources, or the identification of persons or organizations in their communities that can provide additional guidance, support, and expertise in the areas of disadvantaged youth and violence prevention may wish to contact one of the following persons for information and assistance:

Clifton Mitchell, Chief, Special Projects Branch, Center for Substance Abuse Treatment, 5515 Security Lane, Rockwall II, 7th Floor, Rockville, MD 20852, (301) 443–6533

Warren W. Hewitt, Jr., Director, Division of Clinical Programs, Center for Substance Abuse Treatment, 55–5 Security Lane, Rockwall II, 7th Floor, Rockville, MD 20852, (301) 443–8160

Dr. Donald Vereen, M.D., M.P.H., Special Assistant to the Director, National Institute on Drug Abuse, National Institutes of Health, 5600 Fishers Lane, Room 10–05, Rockville, MD 20857, (301) 443–6480

Timothy Thornton, Associate Director for Youth Programs, Division of Violence Prevention, National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control, 4770 Buford Highway NE, Atlanta, GA 30341, (404) 488–4646

Marilyn Silver, Information Specialist, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice, 633 Indiana Ave. NW, Washington, DC 20531, (202) 616–3551

James Breiling, PhD., Violence and Traumatic Stress Research Branch, National Institute of Mental Health, NIH, Parklawn Bldg. Room 10C–24, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–3728

Part IV. Application Elements and Review Criteria

The ultimate goals of the projects to be funded under the Demonstration Partnership Program are to realize, through project interventions, significant improvements in the social and economic self-sufficiency of members of the communities served, to evaluate the effectiveness of these interventions and of the project design through which they were implemented, and thus to make possible the replication of successful programs. As noted above, OCS intends to make the awards of all the above grants on the basis of brief, concise applications. The elements and format of these applications, along with the review criteria that will be used to judge them, will be outlined in this Part.

In order to simplify the application preparation and review process, OCS seeks to keep grant proposals cogent and brief.

Applications with project narratives (excluding appendices) of more than 20 letter-sized pages of 12 c.p.i. type or equivalent on a single side will not be reviewed for funding. Applicants should prepare and assemble their project description using the following outline of required project elements. They should, furthermore, build their project concept, plans, and application description upon the guidelines set forth for each of the project elements.

For each of the Project Elements or Sub-Elements below there is at the end of the discussion a suggested number of pages to be devoted to the particular element or sub-element. These are suggestions only; but the applicant must remember that the overall Project Narrative cannot be longer than 20 pages.

The competitive review of proposals will be based on the degree to which applicants:

(1) Incorporate each of the Elements and Sub-Elements below into their proposals, so as to:

(2) Describe convincingly a project that will develop and implement new and innovative approaches to address particularly critical needs or problems of the poor;

(3) In ways that appear likely to increase their self-sufficiency; and

(4) Test and evaluate such approaches so as to make possible replication of a successful program.

A. Program Elements, Review and Assessment Criteria for Applications Under Priority Areas 1.0 and 4.0

Element I. Organizational Experience and Capability

(Weight of 0 to 5 points in proposal review.)

Applicants should cite their organization's capability and relevant experience in developing and operating programs which deal with poverty problems similar to those to be addressed by the proposed project. They should also cite the organization's experience in collaborative programming and operations which involve evaluations and data collection. While the proposed project management team will be identified and described elsewhere in the application, applicants should identify agency executive leadership in this section and briefly describe their involvement in the proposed project and provide assurance of their commitment to its successful implementation. An important indicator of the applicant organization's capability will be the certification to that effect by the State CSBG Director in the required letter of eligibility certification. (See Part I. B., Eligibility, above.)

Applicants should use no more than 2 pages for this element.

Element II. Project Theory, Design, and Plan

(Total Weight of 0–25 points in proposal review)

OCS seeks to learn from the application why and how the project as proposed is expected to lead to significant improvements in individual and family self-sufficiency.

Applicants are urged to design and present their project in terms of a conceptual cause-effect framework. In the following paragraphs a ''logic model'', or framework is described, that suggests a way to present a project so as to show the ''logic'' of the cause-effect relations between project activities and project results. Applicants don't have to use the exact ''logic model'' language described; but it is important to present the project in a way that makes clear the cause-effect relationship between what the project plans to do and the results it expects to achieve.

Sub-Element II(a). Description of Target Population, Analysis of Need, and Project Assumptions. (Weight of 0–10 points in application review)

The ''logic model'' begins with identifying the underlying assumptions about the program. These are the beliefs on which the proposed program is built: the assumptions about the needs of the client population to be served; about the current services available to those clients, and where and how they fail to meet their needs; about why the proposed services or interventions are appropriate, and will meet those needs; and about the impact the proposed interventions will have on the clients.

In other words, the underlying assumptions of the program are the applicant's analysis of the needs and problems to be addressed by the project, and the applicant's theory of how its proposed interventions will address those needs and problems to achieve the desired result. Thus a strong application is based upon a clear description of the needs and problems to be addressed and a persuasive understanding of the causes of those problems.

In this sub-element of the proposal the applicant should precisely identify the target population to be served. The geographic area to be impacted should then be briefly highlighted, selectively emphasizing the socioeconomic/poverty and other data that are relevant to the project design. Applicants for environmental justice projects, for instance, might include as much data about neighborhood pollution and recycling markets as they do about poverty conditions.

The needs of this target population should then be clearly defined, and the applicant should state its underlying assumptions about how these needs can be addressed by the proposed project.

Applicants should use no more than 2 pages for this application sub-element.

Sub-Element II(b). Project Strategy and Design Framework: Interventions,

Outcomes, and Goals (Weight of 0–10 points in proposal review.)

To continue with the ''logic model'':

The underlying assumptions concerning client needs and the theory of how they can be effectively addressed, which are discussed above, lead in the project design to the conduct of a variety of project activities or interventions, each of which is assumed to result in immediate changes, or outcomes.

The immediate changes lead to intermediate outcomes; and the intermediate outcomes lead to the final project goals.

So in this sub-element the applicant should describe the major activities, or interventions, which are to be carried out to address the needs and problems identified in the previous sub-element. And it should discuss the immediate changes, or outcomes, which are expected to result. These are the results expected from each service or intervention immediately after it is provided. For example, a job readiness training program might be expected to result in clients having increased knowledge of how to apply for a job, improved grooming for job interviews, and improved job interview skills. Or peer mentoring coupled with training in dispute settlement might be expected to result in young urban clients acquiring skills useful in avoiding violent confrontations.

At the next level are the intermediate outcomes which result from these immediate changes. Often an intermediate project outcome is the result of several immediate changes resulting from a number of related interventions such as training and mentoring. Intermediate project outcomes should be expressed in measurable changes in knowledge, attitudes, behavior, or status/condition. In the above examples, the immediate changes achieved by the job readiness program could be expected to lead to intermediate outcomes of client employment and increased income. The acquisition of dispute settlement skills, coupled with mentoring, could be expected to result in the actual avoidance of confrontation and violence.

Finally, the application should describe how the achievement of these intermediate outcomes will be expected to lead to the attainment of the project goals: Employment, new careers in environmental clean-up, successful business ventures, enrollment in post secondary education, or whatever they may be. Applicants must remember that if the major focus of the project is to be the development and start-up of a new business, then a Business Plan which follows the outline in Attachment B to this announcement must be submitted as an appendix to the Proposal.

Applicants don't have to use the exact ''logic model'' terminology described above, but it is important to describe the project in a way that makes clear the expected cause-and-effect relationship between what the project plans to do—the activities or interventions, the changes that are expected to result, and how those changes will lead to achievement of the project goals of greater self-sufficiency.

This design section should cover no more than *3 pages* of the proposal.

Sub-Element II(c). Work Plan (Weight of 0–5 points in proposal review).

Once the project strategy and design framework are established, the applicant should present the highlights of a work plan for the project. The plan should explicitly tie into the project design framework and should be feasible, i.e., capable of being accomplished with the resources and partners available. The plan should briefly describe the key project tasks, and show the timelines and major milestones for their implementation. Critical issues or potential problems that might affect the achievement of project objectives should be explicitly addressed, with an explanation of how they would be overcome, and how the objectives will be achieved notwithstanding any such problems. The plan should be presented in such a way that it can be correlated with the budget narrative included earlier in the application.

The applicant should use no more than *2 pages* for this part of this proposal element.

Applicant may be able to use a simple Gantt or time line chart to convey the work plan in minimal space.

Element III. Project Partnerships

(Weight of 0–15 points in the proposal review.)

Suitable project partners are a required component of the Demonstration Partnership Program, and are critical to the kind of service concentration and systemic change envisioned by OCS. Project partners should have skills, resources, and experience that complement those of the applicant, so that the partnership is stronger than its individual parts. Applicants should use this section to identify their project partners, describe the roles that they have agreed to play, and document that at least 50% of the matching funds will be provided by these partners through the delivery of specific services or resources to the target population.

The application should include, in an appendix, commitment letters from, or Partnership Agreements with these proposed partners signed by the executive of the partnering entity. These documents should describe the role of the partner in the project, including the relevant skills of the partner, the services to be provided, and the resources and levels of effort to be provided to the project.

Applicants should use no more than *3 pages* for this proposal element (plus the Partnership Agreement(s) in the appendix).

Element IV. Project Innovations

(Weight of 0 to 10 points in the proposal review.)

Applicant should briefly describe the ways in which the proposed project represents a new and innovative approach or approaches to provide for greater self-sufficiency of the poor and/or to deal with particularly critical needs or problems of the poor that are common to a number of communities. Innovation can be in the characteristics of the target population to be served, or the needs to be addressed; the kinds of activities, or interventions, that will be carried out; the ways in which they will be carried out; new and different combinations of activities or interventions that will be implemented; or in the settings in which the project will function: e.g. new and innovative types of work or businesses or institutions in which the project will function.

Applicants should use no more than *1 page* for this proposal element.

Element V. Project Management and Organization

(Weight of 0 to 10 points in the proposal review.)

While the experience of agency leadership is important to project success, the caliber of day-to-day project management is critical. Applicants should identify the Project Director and other key staff they feel are especially important to the success of the project, and include resumes as an appendix to the proposal. Where the staff have not been identified, a position description should be included in the appendix. The application should describe their relevant capabilities for managing this multi-faceted project, with emphasis placed on successful management experience in directing both on-budget and leveraged resources to create community conditions capable of supporting effective interventions and transforming lives. This individuals' commitment and planned level-of-effort

to the project should be specified. Project proposals will be assessed, for this element, on the relevant experience, capabilities, commitment and planned level of effort to the project of the Project Director and key staff members as described in the application.

Applicants should also, in this section, describe (and diagram if necessary) the organization of the project. The relationships among the Project Director and the key officials in the applicant and partnering organizations should be depicted, and the project-related authorities and responsibilities of these key actors should be made clear.

Applicants should use no more than *2 pages* for this proposal element (plus the resumes and/or position descriptions in the appendix).

Element VI. Project Budget

(Weight of 0–5 points in the proposal review.)

Applicants will be required to submit Federal budget forms with their proposals to provide basic applicant and project information (SF 424) and information about how Federal and other project funds will be used (424A). In addition to and immediately following the completed Federal budget forms, applicants must submit a Budget Narrative, or explanatory budget information. This Budget Narrative is not considered a part of the Project Narrative, and does not count as part of the twenty pages; but rather is included in the application following the budget forms.

The budget narrative should briefly explain the adequacy of the Federal and match funds to accomplish project purposes, should explain the source and nature of matching funds, and should identify and briefly explain any imbalances between level of activities undertaken and project funds expended. Applicants should nonetheless use no more than two or three pages for this proposal element (not including the federal budget forms).

Resources in addition to the required matching amounts are encouraged by OCS, both to augment project resources and to strengthen the basis for continuing partnerships to benefit the target community. The amounts of such resources beyond the required match, their appropriateness to the project design, and the likelihood that they will continue beyond the project time frame will be taken into account in judging the application.

Element VII. Project Evaluation

(Weight of 0–15 points in the proposal review.)

Sound evaluations are essential to the Demonstration Partnership Program. OCS requires applicants to include in their applications a well thought through outline of an evaluation plan for their project. The outline should explain how the applicant proposes to answer the key questions about how effectively the project is being/was implemented (the Process Evaluation) and whether and why/why not the project activities, or interventions achieved the expected outcomes and goals of the project (the Outcome Evaluation).

Applicants are not being asked to submit a complete and final Evaluation Plan as part of their proposal; but they must include:

(1) A well thought through outline of an evaluation plan which identifies the principal cause-and-effect relationships to be tested, and which demonstrates the applicant's understanding of the role and purpose of both Process and Outcome Evaluations (see previous paragraph);

(2) The identity and qualifications of the proposed third party evaluator, or if not selected, the qualifications which will be sought in choosing an evaluator, which must include successful experience in evaluating social service delivery programs, and the planning and/or evaluation of programs designed to foster self-sufficiency in low income populations; and

(3) A commitment to the selection of a third-party evaluator approved by OCS, and to completion of a final evaluation design and plan, in collaboration with the approved evaluator and the OCS Evaluation Technical Assistance Contractor during the six-month start-up period of the project, if funded.

Applicants should ensure, above all, that the evaluation outline presented is consistent with their project design. A clear project framework of the type recommended earlier identifies the key project assumptions about the target populations and their needs, and the hypotheses, or expected cause-effect relationships to be tested in the project: that the proposed project activities, or interventions, will address those needs in ways that will lead to the achievement of the project goals of self-sufficiency. It also identifies in advance the most important process and outcome measures that will be used to identify performance success and expected changes in individual participants, the grantee organization, and the community.

For these reasons, the evaluator that the applicant expects to work with should be involved—at least briefly but substantively—in the development of the project design and proposal.

The applicant should use no more than *3 pages* for this proposal element, plus the Resume or Position Description for the evaluator, which should be in an Appendix.

Element VIII. Significant and Beneficial Impact

(Weight of 0–10 points in the proposal review.)

OCS seeks, with its Demonstration Partnership Program, to use a modest amount of money to support innovative approaches that will create significant benefits for low-income individuals, families, and communities. Accordingly, it intends to make grants that have a strong likelihood of creating beneficial impacts both within the project communities and, through wide dissemination of useful project results and findings, in other communities facing similar challenges.

The proposed project is expected to lead to tangible achievements toward individual and family self-sufficiency and, as a result, verifiable reductions in the incidence of poverty in the targeted community. Applicants should summarize, in this section, the beneficial impacts that they propose to make in that community, their expectations for the continuation of those benefits beyond the project's life, and the kind of information that they expect to share with OCS and the social service/community development fields from their demonstration project. Project proposals will be assessed, for this element, on the likely value of the project to the target community over time—given the proposed outcomes and the likelihood that they will be realized—and to the larger community of CSBG grantees across the nation.

Applicants should use no more than *1 page* for this proposal element. The score for the element will be based to some extent on the coherence and feasibility of the entire application.

Element IX. Community Empowerment Consideration

(Weight of 0–5 points in proposal review.)

Special consideration will be given to applicants who are located in areas which are characterized by poverty and other indicators of socio-economic distress such as a poverty rate of at least 20%, designation as an Empowerment Zone or Enterprise Community, high levels of unemployment, and a high incidence of violence, gang activity, crime, or drug use. If such is the case, applicants should document that they

were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner and how the proposed project supports the goal(s) of that plan. (0–5 points)

Applicants should use no more than *1 page* for this proposal element.

B. Special Program Elements, Review and Assessment Criteria for Applications for Replication Projects Under Priority Area 2.0

The Project Narrative should begin with the statement that the proposal is for a replication project in priority area 2.0, and identify which of the projects described in Part II is to be replicated. Note that proposals for replication of the Philadelphia; Yakima, Washington; and Bath, Maine projects are limited to a maximum grant amount of $350,000 with a 100% match, similar to General Demonstrations under Priority Area 1.0. Proposals for replication of the Phoenix project will, for purposes of grant amount and match requirement, be considered Urban Youth Projects under Priority Area 4.0 with a maximum grant amount of $500,000 and a required match of 25% of the OCS grant amount. In all other respects, proposals for replication of the Phoenix project should follow the elements and criteria of this Sub-Part, which follow.

Element I. Organizational Experience and Capability

(Weight of 0 to 5 points in proposal review.)

[This element should be the same as under Priority Areas 1.0 and 4.0, and should take no more than *2 pages* of the Project Narrative.]

Element II. Project Theory, Design, and Plan

(Total Weight of 0–25 points in proposal review.)

OCS seeks to learn from this element of the application why and how the project as proposed is expected to lead to significant improvements in individual and family self-sufficiency.

Applicants may find it helpful to design and present their project in terms of a conceptual cause-effect framework. A ''logic model'' that may be helpful is developed in the following paragraphs.

Sub-Element II(a). Description of Target Population, Analysis of Need, and Project Assumptions. (Weight of 0–10 points in application review.)

The ''logic model'' begins with identifying the underlying assumptions about the program. These are the beliefs on which the proposed program is built: The assumptions about the needs of the client population to be served; about the current services available to those clients, and where and how they fail to meet their needs; about why the proposed services or interventions are appropriate, and will meet those needs; and about the impact the proposed interventions will have on the clients.

In other words, the underlying assumptions of the program are the applicant's analysis of the needs and problems to be addressed by the project, and the applicant's theory of how its proposed interventions will address those needs and problems to achieve the desired result. In this sub-element of the proposal the applicant should precisely identify the target population to be served. The geographic area to be impacted should then be briefly highlighted, selectively emphasizing the socioeconomic/poverty and other data that are relevant to the project design.

The needs of this target population should then be clearly defined, with particular attention to whether and how the characteristics and needs of this target population appear to differ from those of the project being replicated (the Host Project). The applicant should state its underlying assumptions about how these needs can be addressed by the proposed project, including its assumptions about any modifications to the design and interventions of the Host Project that it believes are needed to address such differences.

Applicants should use no more than *2 pages* for this application sub-element.

Sub-Element II(b). Project Strategy and Work Plan: Interventions, Outcomes, and Goals. (Weight of 0–15 points in proposal review.)

To continue with the ''logic model'':

The underlying assumptions concerning client needs and the theory of how they can be effectively addressed, which are discussed above, lead in the project design to the conduct of a variety of project activities or interventions, each of which is assumed to result in immediate changes, or outcomes.

The immediate changes lead to intermediate outcomes; and the intermediate outcomes lead to the final project goals.

In this sub-element, applicants for replication projects under Priority Area 2.0 should explain the strategy and design of the project being replicated (the Host Project), and how they plan to implement and/or adapt the activities, or interventions of the Host Project to the particular needs of the new target population and the setting of the replication project, as described in the previous sub-element. The applicant should describe the immediate changes expected to result from the project activities, or interventions, and how they can lead to intermediate outcomes, and in turn to attainment of the final project goals.

Again, applicants don't have to use this exact terminology, but it is important to describe the project in a way that makes clear the expected cause-and-effect relationship between what the project plans to do—the activities or interventions, the changes that are expected to result, and how those changes will lead to achievement of the project goals of greater self-sufficiency.

Finally, the applicant should present the highlights of a work plan for the project patterned after the work plan of the Host Project, and highlight any differences from that plan. It should explicitly tie into the project design framework and should be feasible, i.e., capable of being accomplished with the resources and partners available. The plan should briefly describe the key project tasks, and show the timelines and major milestones for their implementation. Critical issues or potential problems that might affect the achievement of project objectives should be explicitly addressed, with an explanation of how they would be overcome, and how the objectives will be achieved notwithstanding any such problems. The plan should be presented in such a way that it can be correlated with the budget narrative developed later in the application.

The applicant should use no more than *4 pages* for this proposal sub-element. Applicant may be able to use a simple Gantt or time line chart to convey the work plan in minimal space.

Element III. Project Partnerships

(Weight of 0–30 points in the proposal review.)

Sub-element III(a). Arrangements with Host Project. (Weight of 0–15 points in the proposal review.)

Applicant must have made arrangements with the project to be replicated (the Host Project) for an extensive site visit or site visits by key staff to the Host Project, during which such staff can receive orientation training and actually serve a brief apprenticeship in the program. In addition, provision should be made for a site visit by staff of the Host Project to the Replication Project during the first year of its operations.

In this sub-element applicant should briefly describe the steps that it has taken to learn about the design, work plan, and findings of the Host Project, and the arrangements that have been

made for site visits and/or apprenticeships. The proposed Project Budget should make provision for the costs of such site visits/apprenticeships, as well as for appropriate consulting fees for staff of the Host Project; and the application should include, as an appendix, a Memorandum of Understanding or Letter of Agreement between the applicant and the Host Project setting forth training/apprenticeship undertakings and the attendant financial arrangements.

Applicants should use no more than *3 pages* for this proposal element (plus the Memorandum of Understanding or Letter of Agreement with the Host Project, which should be in an Appendix).

Sub-element III(b). Project Partnerships. (Weight of 0–15 points in the proposal review.)

Suitable project partners are a required component of the Demonstration Partnership Program, and are critical to the kind of service concentration and systemic change envisioned by OCS. Project partners should have skills, resources, and experience that complement those of the applicant, so that the partnership is stronger than its individual parts. Applicants should use this section to identify their project partners, describe the roles that they have agreed to play, and document that at least 50% of the required match will be provided by these partners through the delivery of specific services or resources to the target population.

The application should include, in an appendix, commitment letters from, or Partnership Agreements with these proposed partners signed by the executive of the partnering entity. These documents should describe the role of the partner in the project, including the relevant skills of the partner, the services to be provided, and the resources and levels of effort to be provided to the project.

Applicants should use no more than *2 pages* for this proposal element (plus the Partnership Agreement(s) in the Appendix).

Element IV. Project Management and Organization

(Weight of 0 to 10 points in the proposal review.)

[This element should be the same as Element V under Priority Areas 1.0 and 4.0 and should take no more than *2 pages* of the Project Narrative]

Element V. Project Budget

(Weight of 0–5 points in the proposal review.)

Applicants will be required to submit Federal budget forms with their proposals to provide basic applicant and project information (SF 424) and information about how Federal and other project funds will be used (424A). In addition to and immediately following the completed Federal budget forms, applicants must submit a Budget Narrative, or explanatory budget information. This Budget Narrative is not considered a part of the Project Narrative, and does not count as part of the twenty pages; but rather is included in the application following the budget forms.

The budget narrative should briefly explain the adequacy of the Federal and match funds to accomplish project purposes, should explain the source and nature of matching funds, and should identify and briefly explain any imbalances between level of activities undertaken and project funds expended.

Resources in addition to the required matching amounts are encouraged by OCS, both to augment project resources and to strengthen the basis for continuing partnerships to benefit the target community. The amounts of such resources beyond the required match, their appropriateness to the project design, and the likelihood that they will continue beyond the project time frame will be taken into account in judging the application.

For replication projects under Priority Area 2.0 the budget and budget narrative must include provision for the costs of site visits/apprenticeships pursuant to the arrangements between the applicant and the Host Project, as well as for appropriate consulting fees for staff of the Host Project as provided in the Memorandum of Understanding or Letter of Agreement between the parties.

Although as noted, the Budget Narrative does not count against the twenty page limitation on the Project Narrative, applicants should use no more than two or three pages for this proposal element (not including the federal budget forms).

Element VI. Project Evaluation

(Weight of 0–10 points in the proposal review.)

[This element should be the same as Element VII under Priority Areas 1.0 and 4.0, and should not use more than *3 pages* of the Project Narrative.]

Element VII. Significant and Beneficial Impact

(Weight of 0–10 points in the proposal review.)

[This element should be the same as Element VIII under Priority Areas 1.0 and 4.0, and should not use more than *1 page* of the Project Narrative.]

Element VIII. Community Empowerment Consideration

(Weight of 0–5 points in proposal review.)

[This element should be the same as Element IX under Priority Areas 1.0 and 4.0, and should not use more than *1 page* of the Project Narrative.]

C. Program Elements, Review and Assessment Criteria for Applications for EZ/EC Continuous Improvement Grants Under Priority Area 3.0

Element I. Organizational Experience and Capability

(Weight of 0 to 10 points in proposal review.)

[This element should be the same as under Priority Areas 1.0 and 4.0, and should take no more than *2 pages* of the Project Narrative.]

Element II. Relationship to EZ/EC Strategic Planning Process

(Weight of 0–25 points in proposal review.)

Applicants should describe the part they played in the development of the community's EZ/EC Strategic Plan, and provide evidence of a continuing collaborative relationship with the public and private agencies which took part in the planning process. The OCS review process will give the highest scores to applicants who can show that they were intimately involved in the development of the Strategic Plan and will be active participants in its implementation. Letters of support from involved community agencies may be included in the appendix to the proposal to support applicant's role in the process.

[Applicant should use no more than *3 pages* for this proposal element, plus any support letters included in the appendix.]

Element III. Project Goals, Activities, and Work Plan

(Weight of 0–25 points in proposal review.)

In this element the applicant should:

(1) Define its goals in relation to the Strategic Plan implementation, the involvement of low income residents, and the collection of data concerning both the implementation process and the impact of programs carried out as part of the Strategic Plan;

(2) Describe the activities it is proposing to carry out which it expects will lead to the achievement of these goals; and

(3) Present the highlights of a work plan briefly describing the key project tasks and showing the timelines and major milestones for their implementation.

Applicant should use no more than *4 pages* for this proposal element.

Element IV. Partnerships

(Weight of 0–15 points in proposal review.)

Suitable project partners are a required component of the Demonstration Partnership Program, and are critical to the kind of involvement by the applicant in the community's Strategic Plan implementation which is envisioned by OCS. Project partners should also have important roles in the community, and should have skills, resources, and experience that complement those of the applicant. Applicants should use this section to identify their project partners, describe the roles that they have agreed to play, and document that at least 50% of the required match will be provided by these partners through the provision of specific services or resources to the project.

The application should include, in an Appendix, commitment letters from these proposed partners signed by the executive of the partnering entity, and briefly describing the role of the partner in the project, including the relevant skills of the partner, and the resources and levels of effort to be provided to the project.

Applicants should use no more than *3 pages* for this proposal element (plus the partnership letter(s) in the Appendix).

Element V. Project Management and Organization

(Weight of 0–15 points in proposal review.)

Applicants should identify the Project Director and other key staff they feel are especially important to the success of the project, and include resumes as an appendix to the proposal. Where the staff members have not been identified, position descriptions should be included in the appendix. Applicants should also, in this section, describe (and diagram if necessary) the organization of the project. The relationships among the Project Director and the key officials in the applicant and partnering organizations should be depicted, and the project related authorities and responsibilities of these key actors should be made clear.

Applicants should use no more than *2 pages* for this proposal element (plus the resumes and/or position descriptions in the appendix).

Element VI. Project Budget

(Weight of 0–10 points in the proposal review.)

Applicants will be required to submit Federal budget forms with their proposals to provide basic applicant and project information (SF 424) and information about how Federal and other project funds will be used (424A). In addition to and immediately following the completed Federal budget forms, applicants must submit a Budget Narrative, or explanatory budget information. This Budget Narrative is not considered a part of the Project Narrative, and does not count as part of the twenty pages; but rather is included in the application following the budget forms.

The budget narrative should briefly explain the adequacy of the Federal and match funds to accomplish project purposes, and should explain the source and nature of matching funds.

Although as noted, the Budget Narrative does not count against the twenty page limitation on the Project Narrative, applicants should use no more than one or two pages for this proposal element (not including the federal budget forms).

Part V. Application Procedures

A. Availability of Forms

Attachments D through J contain all of the standard forms necessary for the application for awards under this OCS program. These attachments and Parts VI and VII of this Notice contain all the instructions required for submittal of applications.

Additional copies of this Announcement may be obtained by writing or telephoning the office listed under the section entitled **FOR FURTHER INFORMATION CONTACT** at the beginning of this announcement. In addition, it is accessible on the OCS Electronic Bulletin Board for downloading through your computer modem by calling 1–800–627–8886. For assistance in accessing the Bulletin Board, a *Guide to Accessing and Downloading* is available from Ms. Minnie Landry at (202) 401–5309.

B. Application Submission

1. *Number of Copies Required.* One signed original application and four copies should be submitted. (Approved by the Office of Management and Budget under Control Number 0970–0062.)

2. *Acknowledgment of Receipt.* All applicants will receive an acknowledgement with an assigned identification number. Applicants are requested to supply a self-addressed mailing label with their application which can be attached to this acknowledgement. The assigned identification number, along with any other identifying codes, must be referenced in all subsequent communications concerning the application. If an acknowledgement is not received within three weeks after the deadline date, please notify ACF by telephone at (202) 401–9365.

3. *Deadlines:* The closing date for receipt of applications is June 12, 1995. To be considered as meeting the deadline, applications must be received before 4:30 p.m. EDST on the deadline date at the ACF Office of Financial Management, Division of Discretionary Grants, 6th Floor OFM/DDG, 370 L'Enfant Promenade, SW, Washington, DC 20447.

4. *Applications Submitted by Other Means.* Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before the close of business on or before the deadline date. Hand delivered applications will be accepted at the ACF Office of Financial Management, Division of Discretionary Grants, 6th Floor ACF Guard Station, 901 D Street, SW, Washington, DC during the normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday.

5. *Late Applications:* Applications which do not meet the criteria above will be considered late applications. ACF will notify each late applicant that its application will not be considered in this competition.

6. *Extension of Deadline.* ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc. or when there is a disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

C. Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs'' and 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Virginia,

Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs) .

Applicants from these nineteen jurisdictions need take no action regarding E.O. 12372. All other applicants should contact their SPOC as soon as possible to alert them of the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards. These comments are reviewed as part of the award process. Failure to notify the SPOC can result in a delay in grant award.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations which they intend to trigger the ''accommodate or explain'' rule under 45 CFR 100.10. It is helpful in tracking SPOC comments if the SPOC will clearly indicate the applicant organization as it appears on the application SF–424.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Financial Management, Division of Discretionary Grants, 6th Floor, 370 L'Enfant Promenade, SW, Washington, DC 20447. A list of the Single Points of Contact for each State and Territory is included at Attachment L to this announcement.

D. Application Consideration

Applications which meet the screening requirements in Section E below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to the Legislative Authority, the Priority Areas outlined in Part III, and the Application Elements and Review Criteria set forth in Part IV of this Announcement.

Applications will be reviewed by persons outside of the OCS unit which will be directly responsible for management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will be considered in rank order of the averaged scores. However, highly ranked applications are not guaranteed funding since other factors are taken into consideration, including: The timely and proper completion of projects funded with OCS funds granted in the last (5) years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants.

OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to determine the applicant's performance record.

E. Criteria For Screening Applications

1. Initial Screening

All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively:

a. The application must contain a Standard Form 424 ''Application for Federal Assistance'' (SF–424), a budget (SF–424A) and signed ''Assurances'' (SF–424B) completed according to instructions published in Part VI and Attachment D to this Announcement.

b. A project narrative must also accompany the standard forms, and must be limited to no more than twenty (20) pages, typewritten on one side of the paper only, in type no smaller than 12 c.p.i., 11 point, or equivalent, with margins no less than one inch. Charts, exhibits, letters of support, cooperative agreements, resumes and position descriptions are not counted against this page limit and should be included in the appendices to the proposal. It is strongly recommended that you follow the format for the narrative discussed in Part IV, Application Elements and Review Criteria.

c. The SF–424 and the SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

2. Pre-Rating Review

Applications which pass the initial screening will be forwarded to OCS staff prior to the programmatic review to verify that the applications comply with this program announcement in the following areas:

a. Eligibility: Applicant is an ''eligible entity'' as defined in Part I, Section C. In order to establish eligibility, the application must contain a letter signed by the State Director of the Community Services Block Grant program certifying that the applicant is an ''eligible entity'' as defined by this program announcement and that it has the capacity to operate the proposed project.

Applicants must also be aware that the applicant's legal name as required on the SF–424 (Item 5) must match that listed as corresponding to the Employer Identification Number (Item 6).

b. Grant Amount: The amount of funds requested does not exceed $350,000 in OCS funds for general or replication projects under Priority Areas 1.0 and 2.0 (other than an application for replication of the Step-Up Young Father Mentor Program in Phoenix, AZ, which may request up to $500,000); does not exceed $50,000 for EZ/EC Continuous Improvement projects under Priority Area 3.0; or does not exceed $500,000 for Urban Youth projects under Priority Area 4.0.

c. Matching Funds: The required match has been firmly committed in the form of letters of commitment or intent to commit the required matching funds contingent only upon receipt of OCS funds. Such letters must be included as appendices to the application.

d. Target Populations: The application clearly serves low-income participants and beneficiaries as defined in Part II, Section E.

e. Partnership Agreements: Partnership arrangements have been briefly described in the application and a copy of the partnership agreement(s) describing the partnership arrangements and containing a letter of commitment or intent to commit from the prospective partner(s), contingent only upon receipt of OCS funds, has been included in the appendix.

f. Project Evaluation: The outline of a third-party project evaluation plan is an element of the application, and includes a commitment to the selection of a third party evaluator approved by OCS and to completion of a final evaluation design and plan in collaboration with the approved evaluator and the OCS Evaluation Technical Assistance Contractor during the six-month start-up

period. A resume or position description of the evaluator should be included in the appendix.

g. Replication Project (Priority Area 2.0) only: The proposed project will be operated in a geographic area other than that in which the project being replicated (Host Project) was carried out, and arrangements for site visits/apprenticeships between the applicant and the Host Project are reflected in the proposal narrative and budget.

An application may be disqualified from the competition and returned if it fails to conform to one or more of the above requirements.

Part VI—Instructions for Completing Application Forms

(Approved by the Office of Management and Budget under Control Number 0970–0062.)

The standard forms attached to this announcement shall be used when submitting applications for all funds under this announcement. It is suggested that you reproduce single-sided copies of the SF–424, SF–424A, and SF–424B, and type your application on the copies. Please prepare your application in accordance with instructions provided on the forms as well as with the OCS specific instructions set forth below:

A. SF–424—Application for Federal Assistance

Top of Page. Please enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

Item 1. For the purposes of this announcement, all projects are considered *Applications.* Also for the purposes of this announcement, there are no construction projects.

Item 2. *Date Submitted* and *Applicant Identifier*—Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. *Date Received by State*—N/A.

Item 4. *Date Received by Federal Agency*—Leave blank.

Items 5 and 6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (CRS/EIN) and the Payment Identifying Number, if one has been assigned, in the Block entitled *Federal Identifier* located at the top right hand corner of the form.

Item 7. If the applicant is a non-profit corporation, enter *N* in the box and specify *non-profit corporation* in the space marked *Other.*

Item 8. *Type of Application*—Please check the type of application.

Item 9. *Name of Federal Agency*—Enter DHHS/ACF/OCS

Item 10. *The Catalog of Federal Domestic Assistance Number* for OCS programs covered under this announcement is *93.573.* The title is *Community Services Block Grant Discretionary Awards—Demonstration Partnership Program.*

Item 11. *Descriptive Title of Applicant's Project*—Enter the project title (a brief descriptive title). The following letter designations must be used:

General Projects: *DP*
Replication Projects: *DR*
EZ/EC Continuous Grants: *DE*
Urban Youth: *DY*

Item 12. *Areas Affected by Project*—List only the larger unit or units affected, such as State, county or city.

Item 13. *Proposed Project*—Enter the desirable starting date for the project (start of start-up) and the proposed completion date. Projects may not exceed the maximum duration specified: 36 months for all Applications (including up to 6 months start-up, a 24 months operational period and 6 months for evaluation).

Item 14. *Congressional District of Applicant/Project*—Enter the number of the Congressional District where the applicant's principal office is located and the number(s) of the Congressional district(s) where the project will be located.

Item 15a–e. *Estimated Funding:* Enter the amounts requested or to be contributed by Federal and non-Federal sources for the total project period. Items b, c, d and e should reflect both cash and third-party, in-kind contributions for the total project period.

Item 15f. N/A

Item 15g. Enter the sum of Items 15a–15e.

B. SF–424A—Budget Information-Non-Construction Programs

See Instructions accompanying this page as well as the instructions set forth below:

In completing these sections, the *Federal Funds* budget entries will relate to the requested OCS Demonstration Partnership Program funds only, and *Non-Federal* will include mobilized funds from all other sources—applicant, state, and other. Federal funds other than those requested from the Demonstration Partnership Program should be included in *Non-Federal* entries.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (matching) funds for the entire project period. Section B contains entries for Federal (OCS) funds only.

Section A—Budget Summary

Lines 1–4
Col. (a):
Line 1—Enter *OCS Demonstration Partnership Program:*
Col. (b):
Line 1—*Catalog of Federal Domestic Assistance Number is 93.573.*
Col. (c) and (d): Not Applicable
Column (e)—(g)
Line 1–4. Enter in columns (e), (f) and (g) the appropriate amounts needed to support the entire project period.
Line 5—Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This Section should contain entries for OCS funds only.

Please note: This information supersedes the instructions provided following the SF–424A.

Enter in Column 1: the amounts covering the first 12 months of the project (including any start-up period).

Enter in Column 2: the amounts covering the second twelve months of the project.

Enter in Column 3: the amounts covering the third twelve months of the project (including the six-month evaluation period).

Under Column (5) enter the total funds requested by the Object Class Categories of this section (6a–6j).

Allocability of costs are governed by applicable cost principles set forth in 45 CFR parts 74 and 92.

Budget estimates for administrative costs (*not to exceed 10 percent of the grant amount*) must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *Other,* identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives, large dollar amounts; local, regional, or other travels, new positions, major equipment purchases and training programs as indicated below:

Object Class Categories—Line 6: Enter the total amount of Federal funds required by the Object Class Categories of this section.

Personnel—Line 6a. Enter the total costs of salaries and wages.

Justification

Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated the project, the individual annual salaries, and the cost to the project of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on line 6j.

Justification

Provide a breakdown of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, taxes, etc.

Travel—Line 6c: Enter total costs of all travel by employees of the project. Travel costs to attend two national workshops in Washington, DC by the project director should be included (see Part VIII). Do not enter costs for consultant's travel.

Justification

Include the total number of traveler(s), total number of trips, destinations, number of days, transportation costs and subsistence allowances.

Equipment-Line 6d: Enter the total costs of all non-expendable personal property to be acquired by the project. Non-expendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

Justification

Only equipment required to conduct the project may be purchased with Federal funds. The applicant organization or its subgrantees must not already have such equipment, or a reasonable facsimile, available for use in the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies-Line 6e: Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

Justification

Specify general categories of supplies and their costs.

Contractual-Line 6f: Enter the total costs of all contracts, including the estimated cost of a third-party evaluation contract. Travel costs for the chief evaluator to attend two national workshops in Washington, DC should be included (see Part VIII). OCS' experience with this program has shown that a quality evaluation contract can be purchased for 8%—10% of the OCS grant funds. [This percentage is a guide for the applicants' use in planning its request for procurement and should not be construed as a minimum nor maximum allowable amount.]

Justification

Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note: Whenever the applicant/grantee intends to delegate part of the program to another agency, thus entering into an interagency agreement, the applicant/grantee must submit Sections A and B of this Form SF–424A, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR part 74. Free and open competition is encouraged for any procurement activities planned using ACF grant funds. Prior approval from OCS is required when applicants anticipate evaluation procurements that will exceed $25,000 and are requesting an award without competition.

The applicant's procurement procedures should outline the type of advertisement appropriate to the nature and anticipated value of the contract to be awarded. Advertisements are typically made in city, regional, and local newspapers; trade journals; and/or through announcements by professional associations.

Construction-Line 6g: Construction costs are not permitted under the Demonstration Partnership Program.

Other-Line 6h: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (non-contractual), fees and travel paid directly to individual consultants, space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges-Line 6i. Show the total of Lines 6a through 6h.

Indirect Charges-Line 6j: Enter the total amount of indirect costs. This line generally should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or other Federal agencies. With the exception of local governments, applicants should enclose a copy of the current rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services. If the applicant organization is renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates,* and submit it to the appropriate DHHS Regional Office.

It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. The total amount shown in Section B, Column (5), Line 6k, should be the same as the amount shown in Section A, Line 5, Column (e).

Totals-Line 6k: Enter total amounts of lines 6i and 6j.

Program Income-Line 7: Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification

Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Column 5: Carry totals from Column 1 to Column 5 for all line items.

Section C—Non-Federal Resources

This section is to record the amounts of *non-Federal* resources that will be used to support the project. *Non-Federal* resources mean other than OCS funds for which the applicant is applying. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (see Part VI, B, SF–424A, Section B, Line 6) and whether it is cash or third-party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the partnerships' criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or intent to commit contingent only upon receipt of OCS funds from the organization(s) and/or individuals from which funds will be received.

Justification

Describe all non-Federal resources including third-party, cash and/or in-kind contributions.

Grant Program-Line 8. Grant Program.

Column (a): Enter the project title.

Column (b): Enter the amount of cash or donations to be made by the applicant.

Column (c): Enter the State contribution.

Column (d): Enter the amount of cash and third-party in-kind contributions to be made from all other sources.

Column (e): Enter the total of columns (b), (c), and (d).

Grant Program-Lines 9, 10, and 11 should be left blank.

Grant Program-Line 12.

Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, column (f).

Section D—Forecasted Cash Needs

Federal-Line 13. Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the first year.

Non-Federal-Line 14. Enter the amount of cash from all other sources needed by quarter during the first year.

Total-Line 15. Enter the total of Lines 13 and 14.

Section E—Budget Estimates of Federal Funds Needed for Balance of Project

Not Applicable.

Section F—Other Budget Information

Direct Charges-Line 21. Include a narrative justification for each Object Class Category required under Section B for the *total project period*. This narrative justification should be on a separate page and should immediately follow the SF–424A in the application package.

Indirect Charges-Line 22. Enter the type of HHS or other Federal agency's approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved and attach a copy of the rate agreement if negotiated with an agency other than the Department of Health and Human Services.

Remarks-Line 23. Please provide any other explanations and/or continuation sheets required or deemed necessary to justify or explain the budget information.

C. SF–424B Assurances-Non-Construction

All applicants must fill out, sign, date and return the *Assurances* (see Attachment D) with the application.

Part VII—Contents of Application

Each application submission should include *a signed original and four additional copies of the application. Pages should be numbered sequentially throughout the application package, beginning with the Proposal Abstract as page number one, and each application must include all of the following, in the order listed below:*

1. An Abstract of the proposal—very brief, on one page, not to exceed 250 words, which identifies the type of project, the target population, the partner(s), and the major elements of the work plan, and that would be suitable for use in an announcement that the application has been selected for a grant award;
2. Table of Contents;
3. A completed Standard Form 424 which has been signed by an official of the organization applying for the grant who has authority to obligate the organization legally; [Note: The original SF–424 must bear the original signature of the authorizing representative of the applicant organization];
4. *Budget Information-Non-Construction Programs* (SF–424A);
5. A narrative budget justification for each object class category required under Section B, SF–424A;
6. Filled out, signed and dated *Assurances—Non-Construction Programs* (SF–424B), Attachment D;
7. Attachments E and F, setting forth the Federal requirements concerning the drug-free workplace and debarment regulations with which the applicant is certifying that it will comply, by signing and submitting the SF–424.
8. *Certification Regarding Environmental Tobacco Smoke*
9. *Restrictions on Lobbying—Certification for Contracts, Grants, Loans, and Cooperative Agreements:* fill out, sign and date form found at Attachment H;
10. *Disclosure of Lobbying Activities, SF–LLL:* Fill out, sign and date form found at Attachment I, if appropriate;
11. *A project narrative,* limited to no more than twenty (20) pages, which includes *all* of the elements described in Part IV, according to the project Priority Area:

[Specific information/data required under each component is described in Part IV Application Elements and Review Criteria.]

The total number of pages for the narrative portion of the application package must not exceed 20 pages, excluding Appendices. Typewritten on one side of the paper only, in type no smaller than 12 c.p.i., 11 point, or equivalent, with margins no less than one inch. Pages should be numbered sequentially throughout the application package, excluding Appendices, beginning with the Abstract as Page #1.

12. Appendices, including Maintenance of Effort Certification (See Attachment J); letter signed by State CSBG Director; partnership agreements signed by the partners; statement regarding the date of incorporation; Single Point of Contact comments, if applicable and available; resumes and/or position descriptions; a Business Plan if appropriate or required (see Program Sub-Element IIb); Certification Regarding Lobbying, if appropriate; and letters of match commitment or letters of intent.

The application may also contain letters that show collaboration or substantive commitments to the project by organizations other than partners with committed match. Such letters are not part of the narrative and should be included in the Appendices. These letters are, therefore, not counted against the twenty page limit.

Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on white 8½ × 11 inch paper only. They must not include colored, oversized or folded materials. Do not include organizational brochures or other promotional materials, slides, films, clips, etc. in the proposal. They will be discarded if included. The applications should be two-hole punched at the top center and fastened separately with a compressor slide paper fastener, or a binder clip. The submission of bound applications, or applications enclosed in binders is specifically discouraged.

Attachment M provides a checklist to applicants in preparing a complete application package.

Part VIII—Post-Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget periods for

which support is provided, the terms and conditions of the award, the total project period for which support is contemplated, and the total required financial grantee participation.

In addition to the General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR part 74 or 92.

Project directors and chief evaluators will be required to attend a national DPP evaluation workshop in Washington, DC which will be scheduled shortly after the effective date of the grant, during the 6-month start-up period. They also will be required to attend, as presenters, a workshop on utilization and dissemination to be held after the end of the project period.

Grantees will be required to submit semi-annual progress and financial reports (SF 269) throughout the project period, as well as a final progress and financial report within 90 days of the termination of the project. An interim evaluation report, along with the written policies and procedures resulting from the process evaluation, will be due 30 days after the first twelve months of the project period and a final evaluation report will be due 90 days after the expiration of the grant. These reports will be submitted in accordance with instructions to be provided by OCS, and will be the basis for the dissemination effort to be conducted by the Office of Community Services.

Grantees are subject to the audit requirements in 45 CFR parts 74 (non-governmental), 92 (governmental), OMB Circular A–133 and OMB Circular A–128.

Section 1352 of Pub. L. 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom recipients or their subtier contractors or subgrantees will pay with profits or *nonappropriated* funds on or after December 22, 1989 and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for noncompliance. See Attachments H and I for certification and disclosure forms to be submitted with the applications for this program.

Attachment K indicates the regulations which apply to all applicants/grantees under the Demonstration Partnership Program.

Dated: April 4, 1995.

Donald Sykes,

Director, Office of Community Services.

Attachment A

Environmental Justice and Sustainable Community Development

Environmental Justice and Sustainable Community Development are terms that have come into common usage only recently, with the growing realization that low income and minority people and communities have long suffered inequitable and life- and health-threatening environmental degradation. A 1987 report by the Commission for Racial Justice of the United Church of Christ, *Toxic Waste and Race in the United States,* concluded that race has been a factor in the locating of commercial hazardous waste facilities in the United States, and that the clean-up of uncontrolled toxic waste sites in Black and Hispanic communities should be given the highest possible priority. The findings of this report were confirmed by the Environmental Protection Agency in its own study: *Environmental Equity: Reducing Risks For All Communities,* Vols. I and II, U.S. EPA, June 1992. *Toxic Waste and Race Revisited,* Center for Policy Alternatives, 1994, a study co-sponsored by the Center for Policy Alternatives, the NAACP, and the United Church of Christ Commission for Racial Justice, using data updated to 1993 from the 1990 U.S. Census, found that ''Despite growing national attention to the issue of 'environmental justice', people of color today are even more likely than whites to live in communities with commercial hazardous waste facilities than they were a decade ago. The disproportionate environmental impacts first identified and documented in the 1987 report * * * have grown more severe.''

A study by the National Law Journal published in 1992 included among many of its findings that over the previous ten years EPA fines against polluters, on average for all types of cases, were 54 percent lower in poor neighborhoods than in wealthy communities; and in the case of violators of RCRA (the Resource Conservation and Recovery Act) which is the law that governs hazardous waste sites, violators in minority communities were fined on average one-fifth the amounts of violators in white areas. EPA's Office of Environmental Justice reports that as a result of both these studies the agency is currently carrying out a comprehensive demographic study, based on 1990 census data, of EPA enforcement and toxic waste sites.

On a related and equally critical front, a Public Health Service Report to the Congress in 1988 stated that 55 percent of Black children below the poverty level have toxic levels of lead in their blood whose permanent effects include reduced intellectual function, aggressive behavior, hearing loss and growth impairment. Since that time the Centers for Disease Control have significantly lowered the threshold for the blood-lead levels that they consider toxic. See: *Preventing Lead Poisoning in Young Children,* A Statement By The Centers For Disease Control—October 1991, U.S. Department of Health and Human Services, Public Health Service.

While the environmental consciousness of many civil rights leaders is thus being raised, many low income and minority persons and communities still see environmental concerns and laws aimed at protecting the environment as roadblocks to their economic advancement, keeping needed jobs out of their communities or causing businesses to move or retrench because of the perceived high costs of practices and safeguards which are required as measures to protect the environment. What they often have not understood is the degree to which they are being subjected to life- and health-threatening conditions such as illegal dumping of toxics, indiscriminate use of pesticides, or homes laden with asbestos, lead, and Radon, and that these very conditions cause physical and mental deterioration of residents and the breakdown of community infrastructure. For low income and minority communities are often contaminated to the point that it presents a serious barrier to economic revitalization. For example, EPA's Office of Solid Waste and Emergency Response (OSWER) reports that Cleveland Tomorrow, that city's forward looking Chamber of Commerce, has after extended study concluded that the ''economic rebirth'' of Cleveland will never happen until the clean-up of contaminated sites in that city has been accomplished.

Nor has there been until recently a realization that these same environmental justice issues offer unprecedented opportunities for the creation of long term, well paid jobs with career potential in work that can be meaningful and satisfying in terms of human needs. On February 11, 1994 President Clinton issued Executive Order 12898: ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'', calling on each Federal Department and Agency to ''develop an agency-wide environmental justice strategy * * * that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs * * *''. The Draft Environmental Justice Strategy of the Department of Health and Human Services includes the following Strategy:

*Make the development and support of community-based projects that create environmentally-related jobs and career opportunities for low-income and minority residents a high priority for all the Department's programs that deal with job training, job and economic development, job support services and welfare reform.

By the same token, there is a growing realization that long term survival on the planet will only be possible if we develop a sustainable economy which husbands resources and eliminates waste. The President's Council on Sustainable Development (PCSD) was established by President Clinton and charged with a mandate to develop specific policy recommendations for a national strategy for sustainable development that can be implemented by the public and private sectors.

The Council has written: ''* * * sustainable development means a program of domestic economic and political reform that * * * yields broad-based economic progress accomplished in a manner that protects and restores the quality of the natural environment, improves the quality of life for individuals and broadens the prospects for future generations. It means, in other words, maintaining economic growth while producing the absolute minimum of pollution, repairing the environmental damages of the past, using far fewer non-renewable resources, producing much less waste, and extending the opportunity to live in a pleasant and healthy environment to the whole population.''

The Council's Sustainable Communities Task Force suggests that: ''General principles of community sustainability include social equity, racial justice, population stabilization, improved quality of life, participation of stakeholders invested in the outcome, elimination of waste, reduced consumption, encouragement of local self-reliance, recognition of local ecosystem assets and limitations, urban rehabilitation and clean-up, and improved public health.''

Applicants seeking to identify additional resources and/or persons within their communities who can provide guidance and expertise in the areas of environmental justice and sustainable community development may wish to contact one of the following offices for information and assistance:

Sustainable Communities Task Force, President's Council on Sustainable Development, 730 Jackson Place NW., Washington, DC 20503, Contact: Angela Park (202) 408–5342, Information on local and national organizations involved with Sustainable Community Development.

Rural Development Administration, U.S. Department of Agriculture AG 3202, Washington, DC 20250–3202, Contacts: Stanley Zimmerman, (202) 690–2514, szim@rurdev.usda.gov, Information and resources on Rural Economic and Community Development.

Cooperative State Research Service, U.S. Department of Agriculture, 370 L'Enfant Promenade, SW., 3rd Floor, Washington, DC 20250–2260, Contact: Dr. Dan Kugler (202) 401–6861, Deputy Administrator for Special Programs, Information on New Uses and Markets for Agricultural Products, Sustainable Agriculture, and Aquaculture.

Office of Community Planning and Development, HUD, 451 7th Street SW., Room 7244, Washington, DC 20410, Contact: Andy Euston, Leader for Sustainable Community Development Explorations (202) 708–1911, Information on Sustainable Community Development; referral to local and regional resources.

Office of Assistant to the Secretary for Labor Relations, HUD, 451 7th Street SW., Room 7118, Washington, DC 20410, Contact: Richard S. Allan, Deputy Assistant, (202) 708–0370, Information on training for lead abatement and toxic materials, handling and disposal, and Project Step-Up.

Office of Lead Paint Abatement and Poisoning Prevention, HUD, 451 7th Street SW., Room B133, Washington, DC 20410, Contact: Dorothy Allen (202) 755–1771, Information on funded lead abatement projects and resources and T/TA available.

Regional and State Planning Branch, Office of Policy Planning and Evaluation, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Contact: Deborah Martin, Branch Chief, (202) 260–2729, Environmental planning and assistance in understanding and assessing environmental risks.

Energy-Efficiency and Renewable Energy Clearinghouse, U.S. Department of Energy, Write: EREC, PO Box 3048, Merrifield, VA 22116, Call Toll-Free: 1–800–523–2929, Publications, source lists, bibliographies; detailed technical responses on energy efficiency and renewables; business assistance, referrals to associations, labs, state energy offices, and special interest groups.

Attachment B: Outline of Business Plan

The Business Plan should include the following:

1. *The business and its industry.* This section should describe the nature and history of the business and provide some background on its industry.

a. *The Business:* as a legal entity; the general business category;

b. *Description and Discussion of Industry:* Current status and prospects for the industry;

2. *Products and Services:* This section deals with the following:

a. *Description:* Describe in detail the products or services to be sold;

b. *Proprietary Position:* Describe proprietary features of any of the products, e.g. patents, trade secrets; and

c. *Potential:* Features of the product or service that may give it an advantage over the competition.

3. *Market Research and Evaluation:* This section should present sufficient information to show that the product or service has a substantial market and can achieve sales in the face of competition;

a. *Customers:* Describe the actual and potential purchasers for the product or service by market segment.

b. *Market Size and Trends:* State the size of the current total market for the product or service offered;

c. *Competition:* An assessment of the strengths and weaknesses of competitive products and services;

d. *Estimated Market Share and Sales:* Describe the characteristics of the product or service that will make it competitive in the current market.

4. *Marketing Plan:* The marketing plan should detail the product, pricing, distribution, and promotion strategies that will be used to achieve the estimated market share and sales projections. The marketing plan must describe what is to be done, how it will be done and who will do it. The plan should address the following topics—Overall Marketing Strategy, Packaging, Service and Warranty, Pricing, Distribution and Promotion.

5. *Design and Development Plans:* If the product, process or service of the

proposed venture requires any design and development before it is ready to be placed on the market, the nature and extent and cost of this work should be fully discussed. The section should cover items such as Development Status and Tasks, Difficulties and Risks, Product Improvement and New Products, and Costs.

6. *Manufacturing and Operations Plan:* A manufacturing and operations plan should describe the kind of facilities, plant location, space, capital equipment and labor force (part and/or full time and wage structure) that are required to provide the company's product or service.

7. *Management Team:* The management team is the key in starting and operating a successful business. The management team should be committed with a proper balance of technical, managerial and business skills, and experience in doing what is proposed. This section must include a description of: the key management personnel and their primary duties; compensation and/or ownership; the organizational structure; Board of Directors; management assistance and training needs; and supporting professional services.

8. *Overall Schedule:* A schedule that shows the timing and interrelationships of the major events necessary to launch the venture and realize its objectives. Prepare, as part of this section, a month-by-month schedule that shows the timing of such activities as product development, market planning, sales programs, and production and operations. Sufficient detail should be included to show the timing of the primary tasks required to accomplish each activity.

9. *Critical Risks and Assumptions:* The development of a business has risks and problems and the Business Plan should contain some explicit assumptions about them. Accordingly, identify and discuss the critical assumptions in the Business Plan and the major problems that will have to be solved to develop the venture. This should include a description of the risks and critical assumptions relating to the industry, the venture, its personnel, the product's market appeal, and the timing and financing of the venture.

10. *Community Benefits:* The proposed project must contribute to economic, community and human development within the project's target area. A section that describes and discusses the potential economic and non-economic benefits to low-income members of the community must be included as well as a description of the strategy that will be used to identify and hire individuals being served by public assistance programs and how linkages with community agencies/organizations administering the JOBS program will be developed. The following project benefits must be described:

Economic

—Number of permanent jobs that will be created for low-income people during the grant period;
—Number of jobs to be created for low-income people that will have career development opportunities and a description of those jobs;
—Number of jobs that will be filled by individuals on public assistance;
—Ownership opportunities created for poverty-level project area residents;
—Specific steps to be taken to promote the self-sufficiency of program participants.

Other benefits which might be discussed are:

Human Development

—New technical skills development and associated career opportunities for community residents;
—Management development and training.

Community Development

—Development of community's physical assets;
—Provision of needed, but currently unsupplied, services or products to community;
—Improvement in the living environment.

11. *The Financial Plan:* The Financial Plan is basic to the development of a Business Plan. Its purpose is to indicate the project's potential and the timetable for financial self-sufficiency. In developing the Financial Plan, the following exhibits must be prepared for the first three years of the business' operation:

a. Profit and Loss Forecasts-quarterly for each year;

b. Cash Flow Projections-quarterly for each year;

c. Pro forma balance sheets-quarterly for each year;

d. Initial sources of project funds;

e. Initial uses of project funds; and

f. Any future capital requirements and sources.

ATTACHMENT C

Size of family unit	Poverty guideline
1995 Poverty Income Guidelines for All States (Except Alaska and Hawaii) and the District of Columbia	
1	$7,470
2	10,030
3	12,590
4	15,150
5	17,710
6	20,270
7	22,830
8	25,390
For family units with more than 8 members, add $2,560 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)	
Poverty Income Guidelines for Alaska	
1	9,340
2	12,540
3	15,740
4	18,940
5	22,140
6	25,340
7	28,540
8	31,740
For family units with more than 8 members, add $3,200 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)	
Poverty Income Guidelines for Hawaii	
1	8,610
2	11,550
3	14,490
4	17,430
5	20,370
6	23,310
7	26,250
8	29,190
For family units with more than 8 member, add $2,940 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)	

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ATTACHMENT D

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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BILLING CODE 4184–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicants's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.

BILLING CODE 4184–01–M

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function, or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Column (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agency should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount of Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will

establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personnel or organizational conflict of interest, or personal gains.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards of a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statues relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or refinancing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.O. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205)

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers systems.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of authorized certifying official

_____

Title

_____

Applicant organization

_____

Date submitted

BILLING CODE 4184–01–M

ATTACHMENT E

U.S. Department of Health and Human Services
Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

Attachment F

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statute or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State of local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction.'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To be Supplied to Lower Tire Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded form participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Esclusion—Lower Tier Covered Transactions. ''without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Attachment G

Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

Attachment H

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–M

ATTACHMENT I

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: Congressional District, *if known*:	Congressional District, *if known*:
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Entity (*if individual, last name, first name, MI*):	b. Individuals Performing Services (*including address if different from No. 10a*) (*last name, first name, MI*):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment (*check all that apply*):	13. Type of Payment (*check all that apply*):
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment (*check all that apply*): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16.	
Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

BILLING CODE 4184–01–C

Attachment J

Certification Regarding Maintenance of Effort

The undersigned certifies that:

(1) Activities funded under this program announcement are in addition to, and not in substitution for, activities previously carried on without Federal assistance.

(2) Funds or other resources currently devoted to activities designed to meeting the needs of the poor within a community, area, or State have not been reduced in order to provide the required matching contributions.

When legislation for a particular block grant permits the use of its funds as match, the applicant must show that it has received a real increase in its block grant allotment and must certify that other anti-poverty programs will not be scaled back to provide the match required for this project.

_____

Organization

_____

Authorized Signature

_____

Title

_____

Date

Attachment K—DHHS Regulations Applying to All Applicants/Grantees Under the Demonstration Partnership Program

Title 45 of the *Code of Federal Regulations:*

Part 16—Department of Grant Appeals Process
Part 74—Administration of Grants (non-governmental)
Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):
Sections 74.62(a) Non-Federal Audits
74.173 Hospitals
74.174(b) Other Nonprofit Organizations
74.304 Final Decisions in Disputes
74.710 Real Property, Equipment and Supplies
74.715 General Program Income
Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension from Eligibility for Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part 80—Non-Discrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 83—Non-discrimination on the basis of sex in the admission of individuals to training programs
Part 84—Non-discrimination on the Basis of Handicap in Programs
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (Federal Register, March 11, 1988)
Part 93—New Restrictions on Lobbying
Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

Attachment L

Executive Order 12372—State Single Points of Contact

Arizona

Mrs. Janice Dunn, Attn: Arizona State Clearinghouse, 3800 N. Central Avenue, 14th Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

Arkansas

Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, PO Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Delaware

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Rodney T. Hallman, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street, NW., Suite 500, Washington, DC 20005, Telephone (202) 727–6551

Florida

Florida State Clearinghouse,
Intergovernmental Affairs Policy Unit,
Executive Office of the Governor,
Office of Planning and Budgeting,
The Capitol,
Tallahassee, Florida 32399–0001,
Telephone (904) 488–8441

Georgia

Mr. Charles H. Badger, Administrator,
Georgia State Clearinghouse,
254 Washington Street, SW.,
Atlanta, Georgia 30334,
Telephone (404) 656–3855

Illinois

Steve Klokkenga,
State Single Point of Contact,
Office of the Governor,
107 Stratton Building,
Springfield, Illinois 62706,
Telephone (217) 782–1671

Indiana

Jean S. Blackwell,
Budget Director, State Budget Agency,
212 State House,
Indianapolis, Indiana 46204,
Telephone (317) 232–5610

Iowa

Mr. Steven R. McCann,
Division of Community Progress,
Iowa Department of Economic Development,
200 East Grand Avenue,
Des Moines, Iowa 50309,
Telephone (515) 281–3725

Kentucky

Ronald W. Cook,
Office of the Governor,
Department of Local Government,
1024 Capitol Center Drive,
Frankfort, Kentucky 40601,
Telephone (502) 564–2382

Maine

Ms. Joyce Benson,
State Planning Office,
State House Station #38,
Augusta, Maine 04333,
Telephone (207) 289–3261

Maryland

Ms. Mary Abrams,
Chief, Maryland State Clearinghouse,
Department of State Planning,
301 West Preston Street,
Baltimore, Maryland 21201–2365,
Telephone (301) 225–4490

Massachusetts

Karen Arone,
State Clearinghouse,
Executive Office of Communities and Development,
100 Cambridge Street, Room 1803,
Boston, Massachusetts 02202,
Telephone (617) 727–7001

Michigan

Richard S. Pastula, Director,
Michigan Department of Commerce,
Lansing, Michigan 48909,
Telephone (517) 373–7356

Mississippi

Ms. Cathy Mallette, Clearinghouse Officer,
Office of Federal Grant Management and Reporting,
301 West Pearl Street,
Jackson, Mississippi 39203,
Telephone (601) 960–2174

Missouri

Ms. Lois Pohl,
Federal Assistance Clearinghouse,
Office of Administration,
PO Box 809,
Room 430, Truman Building,
Jefferson City, Missouri 65102,
Telephone (314) 751–4834

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687–4065, Attention: Ron Sparks, Clearinghouse Coordinator

New Hampshire

Mr. Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review, Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

New Jersey

Gregory W. Adkins, Acting Director, Division of Community Resources, N.J. Department of Community Affairs, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613

Please direct correspondence and questions to:

Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, Room 609, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025

New Mexico

George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, Fax (505) 827–3006

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

North Dakota

N.D. Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

Tennessee

Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Mr. Thomas Adams, Governor's Office of Budget and Planning, PO. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Office of Planning and Budget, Attn: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

Vermont

Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research and Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

Mr. William C. Carey, Federal/State Relations, Wisconsin Department of Administration, 101 South Webster Street, PO Box 7864, Madison, Wisconsin 53707, Telephone (608) 266–0267

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Guam

Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, PO Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose H. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, PO. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct correspondence to:

Linda Clarke, Telephone (809) 774–0750

Attachment M—Checklist for Use in Submitting OCS Grant Applications (Optional)

The application should contain:

1. Proposal abstract—250 words or less.
2. Table of Contents.
3. A completed, *signed* SF–424, ''Application for Federal Assistance.'' The letter code for the priority area should be in the lower right-hand corner of the page.
4. A completed SF–424A, ''Budget Information—Non-Construction''.
5. Narrative budget justification.
6. A *signed* SF–424B, ''Assurances—Non-Construction''.
7. Attachments E and F concerning drug free workplace and debarment regulations.
8. Certification regarding Environmental Tobacco Smoke.
9. A *signed* copy of ''Certification Regarding Anti-lobbying Activities'' (Attachment H).
10. A completed Disclosure of Lobbying Activities, if applicable (Attachment I).
11. A Project Narrative not to exceed twenty pages, which includes *all* of the elements described in Part IV.
12. Appendices, including:

—Maintenance of Effort Certification (Attachment J)
—Letter signed by State CSBG Director certifying eligibility
—Partnership Agreements signed by the partners
—Single Point of Contact comments, if applicable and available
—Resumes and/or position descriptions
—A Business Plan if appropriate or required (see Program Sub-Element IIb in Part IV)
—Letters of match commitment or letters of intent
—Statement regarding worker safety, if appropriate (see Part III, discussion of Program Priority Area 1.0)

[FR Doc. 95–8833 Filed 4–11–95; 8:45 am]

BILLING CODE 4184–01–M

Federal Register

Wednesday
April 12, 1995

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91 and 135

Special Flight Rules in the Vicinity of the Grand Canyon National Park; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 135

[Docket No. 25149, Special Federal Aviation Regulation (SFAR) No. 50–2]

Special Flight Rules in the Vicinity of the Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to extend, for 2 years, the effectiveness of SFAR No. 50–2, which contains procedures governing the operation of aircraft in the airspace above Grand Canyon National Park. SFAR No. 50–2 which originally established the flight regulations for a period of 4 years, has previously been extended to allow the National Park Service (NPS) time to complete studies concerning aircraft overflight impacts on the Grand Canyon, and to forward its recommendations to the FAA. The NPS study, completed in September 1994, recommended alternatives, such as use of quiet aircraft, additional flight-free zones, altitude restrictions, operating specifications, noise budgets, and time limits. This proposal would allow the FAA sufficient time to review thoroughly the NPS recommendations as to their impact on the safety of air traffic at the Grand Canyon National Park, and to initiate any appropriate rulemaking action.

DATES: Comments must be received on or before May 12, 1995.

ADDRESSES: Comments on this NPRM should be mailed, in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 25149, 800 Independence Avenue, SW., Washington, DC 20591. Comments also may be submitted electronically to nprmcmts@mail.hq.faa.gov. The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mrs. Ellen Crum, Air Traffic Rules Branch, ATP–230, Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments are also invited relating to the aeronautical, environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the specified closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a readdressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 25149.'' The postcard will be date stamped and mailed to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the docket number of this rule. Persons interested in being placed on a mailing list for future rules should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On March 26, 1987, the FAA issued SFAR No. 50 (subsequently amended on June 15, 1987; 52 FR 22734) establishing flight regulations in the vicinity of the Grand Canyon. The purpose of the SFAR was to reduce the risk of midair collision, reduce the risk of terrain contact accidents below the rim level, and reduce the impact of aircraft noise on the park environment.

On August 18, 1987, Congress enacted legislation that required a study of aircraft noise impacts at a number of national parks and imposed flight restrictions at three parks: Grand Canyon National Park in Arizona, Yosemite National Park in California, and Haleakala National Park in Hawaii (Pub. L. 100–91).

Section 3 of Pub. L. 100–91 required that the Department of the Interior (DOI) submit to the FAA recommendations to protect resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The law mandated that the recommendations (1) provide for substantial restoration of the natural quiet and experience of the Grand Canyon; (2) with limited exceptions, prohibit the flight of aircraft below the rim of the Canyon; and (3) designate zones that were flight free except for purposes of administration of underlying lands and emergency operations.

Further, Pub. L. 100–91 required the FAA to prepare and issue a final plan for the management of air traffic above the Grand Canyon. It also required that the plan establish a means to implement the recommendations of the DOI without change unless the FAA determined that executing the recommendations would adversely affect aviation safety. In that event, the FAA was required to revise the DOI recommendations to resolve the safety concerns and to issue regulations implementing the revised recommendations in the plan.

In December 1987, the DOI transmitted to the FAA preliminary recommendations for an aircraft management plan at the Grand Canyon. The recommendations included both rulemaking and nonrulemaking actions.

On May 27, 1988, the FAA issued SFAR No. 50–2 revising the procedures for operation of aircraft in the airspace above the Grand Canyon (53 FR 20264, June 2, 1988). The rule implemented DOI's preliminary recommendations for an airspace management plan with some modifications that the FAA initiated in the interest of aviation safety.

Pub. L. 100–91 also required the DOI to conduct a study, with DOT technical assistance, to determine the proper minimum altitude to be maintained by aircraft when flying over units of the National Park System. The research was to include an evaluation of the noise levels associated with overflights. It required that before submission to Congress, the DOI provide a draft report (containing the results of its studies) and recommendations for legislative

and regulatory action to the FAA for review. The FAA is to notify the DOI of any adverse effects these recommendations may have on the safety of aircraft operations. Additionally, section 3 of Pub. L. 100–91, required DOI to submit a report to Congress regarding the success of the Grand Canyon airspace management plan, and any necessary revisions, within 2 years of the effective date of the plan. The FAA was to report whether any of these recommendations would have an adverse effect on safety. On June 15, 1992, because of a delay in the completion of the DOI study, the FAA promulgated a final rule to extend the expiration date of SFAR No. 50–2 to June 15, 1995 (57 FR 26766).

On September 12, 1994, the DOI submitted its final report and recommendations to Congress. The report recommends numerous revisions to the current flight restrictions contained in SFAR No. 50–2. In addition, the report recommends the use of quiet aircraft, additional flight-free zones, altitude restrictions, operating specifications, noise budgets, and time limits for flight in the vicinity of the Grand Canyon.

Upon completing a review of the NPS congressional report, the FAA may amend SFAR No. 50–2 through the rulemaking process. However, at the present time, the FAA is reviewing and analyzing these recommendations to determine an appropriate course of action. Therefore, the FAA is proposing to extend the provisions of SFAR No. 50–2 for 2 years from the June 15, 1995, expiration date to allow sufficient time to determine if there is a need to adjust SFAR No. 50–2.

Environmental Review

As discussed above, Pub. L. 100–91 required the DOI to submit a report to Congress within 2 years of implementation regarding the success of the final airspace management plan for the Grand Canyon, including possible revisions. Now that this report has been forwarded to both Congress and the FAA, the FAA is required to comment on whether any of these revisions would have an adverse effect on aircraft safety.

Pub. L. 100–91 essentially reflects a decision by Congress that a final airspace management plan, currently set forth in SFAR No. 50–2, should continue permanently with any appropriate modifications developed as a result of the follow-on study. The statute and its legislative history show that Congress considered the environmental and economic concerns inherent in regulating the navigable airspace over the Grand Canyon. Since Congress, and not the FAA, determined to make permanent an airspace management plan as delineated in SFAR No. 50–2, this extension of SFAR No. 50–2 does not require compliance with the National Environmental Policy Act of 1969 (NEPA).

Assuming, for the sake of argument, that the FAA has discretion to terminate SFAR No. 50–2, the proposal to extend its effectiveness for 2 more years is categorically excluded from the requirements of the NEPA. (See FAA Order 1050.1D, Par. 31(a)(4), ''Policies and Procedures for Considering Environmental Impacts.'') A documented categorical exclusion has been placed in the docket.

Alternately, the analysis in the 1988 Environmental Assessment (EA) and the Finding of No Significant Impact remain valid and support a determination that this extension is not likely to significantly impact the environment. The proposed extension will not cause significant environmental impacts because it will not change the volume of traffic, the altitude of flight routes, or the noise characteristics of the aircraft typically used in canyon flights between now and 1997.

This extension will enable the FAA to consider recommendations that the DOI forwarded in September 1994 to enhance the effectiveness of the SFAR. Based upon its studies, the DOI has concluded that the SFAR has significantly reduced noise impacts in areas of the Grand Canyon. However, the DOI believes that benefits may be lost unless additional restrictions are adopted.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this NPRM is not ''a significant regulatory action'' as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This NPRM would not have a significant impact on a substantial number of small entities and would not constitute a barrier to international trade.

SFAR No. 50–2 was justified based on DOI's December 1987 benefit-cost analysis. This analysis stated that 40 to 45 operators conducted air tours over the Grand Canyon with an estimated revenue of $30 to $50 million per year. The number of operations over the Grand Canyon was growing, with operations at Grand Canyon National Park Airport increasing 300 percent from 1974 to 1980.

The establishment of large flight-free zones was expected to roughly double the time for Tusayan-based operators to reach the canyon rim. The DOI analysis assumed that these operators could adjust for the increased travel time by increasing the overall tour length and passing on any additional costs to the consumer. While the percent of tour time spent over the canyon would decrease, small price increases or slightly decreased flight time over the canyon was not expected to result in a decreased ridership. In addition, even though Tusayan-based companies would incur costs to modify advertising literature and tour narrations due to route change requirements, the DOI analysis assumed that these costs would likely be part of the normal operating program. The benefits to the park resources (natural quiet, wildlife, archeological features, etc.) and the more than 3,315,000 visitors (about 3 million front-country users and over 90 percent of the 350,000 back-country below rim users each year) would accrue primarily from the increased quiet resulting from noise reduction. Thus, DOI concluded that this NPRM would be cost-beneficial because cost to air tour operators would be minimal and the benefits to park resources and visitors would be significant.

For the purpose of this proposal, the FAA updated the DOI's December 1987 data as follows: (1) There are still 40 to 45 air tour operators; (2) the estimated revenue generated by the industry is now over $100 million each year; and (3) the number of ground visitors has increased to almost 5 million. The FAA believes that the proposal to extend the current SFAR No. 50–2 would not alter current industry practices in the Grand Canyon special flight rules area and would not affect growth in air traffic. Additionally, the proposal would not cause significant economic impact because it would not change the volume of traffic, the altitude of flight routes, or the noise characteristics of the aircraft typically used in canyon flights between now and 1997. Therefore the FAA has determined that the proposed extension would not result in additional costs to the air tour operators. Since the rule was first promulgated in 1987, the number of

ground visitors increased by 50 percent. During this period, the estimated number of air tour operators remained unchanged, while the estimated revenue generated by the air tour industry has doubled.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have ''a significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A outlines the FAA's procedures and criteria for implementing the RFA. Small entities are independently owned and operated small businesses and small, not-for-profit organizations. A substantial number of small entities is defined as a number that is 11 or more and which is more than one-third of the small entities subject to this direct final rule. The FAA determined that this NPRM will not result in a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

This NPRM is expected to have neither an adverse impact on the trade opportunities for U.S. firms doing business abroad nor on foreign firms doing business in the United States. This assessment is based on the fact that part 135 air tour operators potentially impacted by this NPRM do not compete with similar operators abroad. That is, their competitive environment is confined to the Grand Canyon National Park.

Conclusion

For the reasons set forth above, the FAA has determined that this NPRM is not a significant regulatory action under Executive Order 12866. In addition, the FAA certifies that this NPRM, if adopted, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This NPRM is not considered significant under DOT Regulatory Policies and Procedures.

Paperwork Reduction Act

This notice contains no information collection requests requiring approval of the Office of Management and Budget.

List of Subjects in 14 CFR Parts 91 and 135

Aircraft, Air taxis, Air traffic control, Aviation safety.

The Amendment

For the reasons set forth above, the Federal Aviation Administration proposes to amend SFAR No. 50–2 (14 CFR parts 91 and 135) as follows:

PART 91—[AMENDED]

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; 49 U.S.C. 106(g).

PART 135—[AMENDED]

2. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g).

3. In parts 91 and 135, Special Federal Aviation Regulation No. 50–2, the text of which appears at the beginning of part 91, is amended by revising Section 9 to read as follows:

SFAR No. 50–2 Special Flight Rules in the Vicinity of the Grand Canyon National Park, AZ

* * * * *

Section 9. Termination date. This Special Federal Aviation Regulation expires on June 15, 1997.

* * * * *

Issued in Washington, DC, on April 6, 1995.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 95–8952 Filed 4–11–95; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Wednesday
April 12, 1995

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved second amendment to Tribal/State compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal/State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Second Amendment to the Tribal/State Gaming Compact Between the Nooksack Indian Tribe and the State of Washington executed on January 26, 1995.

DATES: This action is effective April 12, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: April 3, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–9023 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal/State compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal/State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal/State Gaming Compact between the Port Gamble S'Klallam Tribe and the State of Washington, which was executed on January 26, 1995.

DATES: This action is effective April 12, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: March 31, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–9024 Filed 4–11–95; 8:45 am]

BILLING CODE 4310–02–P

Federal Register

Wednesday
April 12, 1995

Part V

The President

Proclamation 6784—Pan American Day and Pan American Week

Federal Register
Vol. 60, No. 70
Wednesday, April 12, 1995

Presidential Documents

Title 3—

The President

Proclamation 6784 of April 10, 1995

Pan American Day and Pan American Week, 1995

By the President of the United States of America

A Proclamation

The peoples of the Americas today live in a world of great promise. Fundamental democratic principles, such as the rule of law and free and fair elections, are being embraced throughout the hemisphere. In perhaps one of the most eloquent expressions of the commitment of American nations to democratic rule, Jean Bertrand Aristide was restored to his elected position as President of Haiti. Open markets work, democratic governments are just—and together they offer the best hope for improving the quality of life for all of us.

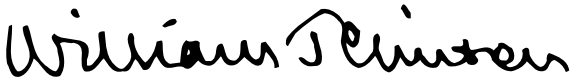
As we celebrate Pan American Day, 1995, we recognize that the nations of the Western Hemisphere are interdependent, and our futures are intertwined. We are bound together by our shared commitment to democracy, human rights, market economics, and effective governance. These common ideals have enabled us to form an extraordinary network of cooperation, encompassing endeavors from trade and environmental protection to science and technology.

The countries of the Americas have taken important steps to open their economies, create new jobs, and expand opportunities for their citizens. These reforms represent a historic break with the past and begin to pave the road toward higher standards of living in the 21st century. The North American Free Trade Agreement marks an additional milestone on the way to the hemispheric free trade agreement envisioned at the Summit of the Americas.

At that summit in December of this past year, the 34 democratically elected leaders of the hemisphere determined to make our governments more effective, our economic growth more sustainable, and our environments safer and healthier. Our deliberations there were guided by a vital spirit of cooperation, and we continue to move forward today with the knowledge that, now more than ever, the economic prosperity of each of our countries depends on the progress of our neighbors.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Friday, April 14, 1995, as Pan American Day and the week of April 9 through April 15, 1995, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of other areas under the flag of the United States to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.



[FR Doc. 95–9206
Filed 4–10–95; 5:01 pm]
Billing code 3195–01–P

Federal Register

Wednesday
April 12, 1995

Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 903

Surface Mining and Reclamation Operations Under a Federal Program for Arizona; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 903

RIN 1029–AB81

Surface Mining and Reclamation Operations Under a Federal Program for Arizona

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior (DOI) is promulgating a Federal program to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in the State of Arizona. This includes surface effects of underground coal mining. This program is necessary in order to regulate surface coal mining activities that may be undertaken in Arizona under applicable provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and under OSM regulations on standards and procedures relating to a Federal program for a State in the absence of a State program.

EFFECTIVE DATE: May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas E. Ehmett, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue NW, Suite 1200, Albuquerque, New Mexico 87102; Telephone (505) 766–1486; or Nancy Broderick, Branch of Federal and Indian Programs, Division of Regulatory Programs, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW, Washington, DC 20240; Telephone (202) 208–2564.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 et seq., the Secretary of the Interior (the Secretary) is required to promulgate a Federal program for a State in which there are or may be conducted surface coal mining operations on non-Federal and non-Indian lands for, among other reasons, the failure of the State to submit a proposed State program to the Secretary. Upon promulgation of a Federal regulatory program, the Secretary becomes the regulatory authority.

Once a decision is made by OSM that a Federal regulatory program is necessary for a State, the Secretary must make several determinations before promulgating a program, as outlined below.

Section 504(a) of SMCRA requires that the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also set forth in the regulations for the promulgation of Federal programs at 30 CFR Part 736.

Section 505(b) of SMCRA and 30 CFR 736.22(a)(1) also provide that if a State has more stringent land use and environmental protection laws or regulations than SMCRA, they shall not be construed to be inconsistent with SMCRA or the Secretary's regulations. If the State's laws or regulations establish more stringent standards than those of SMCRA or the Secretary's regulations, or if the State regulates any aspect of the environment which neither SMCRA nor the Secretary's regulations protect, the Secretary would then specifically preserve those State standards in the Federal program. Thus, the Secretary believes that the requirements of section 505(b) of SMCRA can best be met by identifying any State laws and regulations which impose equivalent or more stringent environmental controls and by listing them in § 903.700(e) of the Federal program.

Also, in promulgating a program for a State, section 504(g) of SMCRA specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to SMCRA will be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of SMCRA and the Federal program. This provision is reinforced by section 505(a) of SMCRA, which states that only those State laws and regulations that are inconsistent with SMCRA and its implementing regulations shall be superseded by the Federal program.

Thus, those State statutes and rules regulating the same activities as those covered by the Federal statute and regulations, but which do not provide as much protection as do the Federal statute and regulations, are considered to interfere with the achievement of the purposes of SMCRA and must be identified and preempted by OSM.

Finally, according to section 504(h) of SMCRA, a Federal program must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which compliance must be coordinated in the issuance of a surface mining permit are set out at 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the permit review and issuance procedures required by those statutes.

Federal programs are based on the Secretary's permanent program regulations, 30 CFR Chapter VII, Subchapters A, F, G, H, J, K, L, and M, which implement five essential aspects of the surface coal mining regulatory program: permitting, performance standards, designation of lands as unsuitable for mining, bonding, and inspection and enforcement. These regulations establish procedures and performance standards under SMCRA and form the benchmark for State and Federal regulatory programs.

The permanent program regulations refer to the ''regulatory authority,'' which is the Secretary under a Federal program. The Secretary has delegated all of his authority under SMCRA to the Assistant Secretary—Land and Minerals Management. (Secretarial Order No. 3013, Nov. 9, 1977, and Order No. 3099, Dec. 22, 1983). With limited exceptions, the Assistant Secretary has in turn redelegated all of this authority under SMCRA to the Director, OSM (216 Departmental Manual 1, November 9, 1977). Thus, the Director of OSM is the official directly responsible for the implementation of a Federal regulatory program.

The parts of the permanent regulatory program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands as unsuitable for surface mining (Parts 761, 762, and 769), permits and permit applications (Subchapter G), small operator assistance (Subchapter H), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843, and 845), and blaster training and certification (Subchapter M).

Federal programs are promulgated by means of cross-referencing the permanent program rules which set the substantive standards. Cross-referencing avoids duplication of the full text of the permanent regulatory program rules for each Federal program. The Federal

regulatory program for Arizona is established at 30 CFR part 903. Sections within Part 903 cross-reference the counterpart permanent program rules. For example, for general requirements for permits and permit applications, § 903.773 of the Arizona Federal regulatory program cross-references 30 CFR part 773 of the permanent program rules by stating that 30 CFR part 773 shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

For each particular permanent program regulation which needs to be modified for use in a Federal program, an additional paragraph or paragraphs has been added under the appropriate section to modify that particular permanent regulatory program standard to make it applicable to the Federal program for a particular State or to add additional requirements or standards.

One effect of cross-referencing in a Federal program is that if a permanent program rule is revised, the corresponding Federal program rule would be similarly revised. However, the notice of proposed rulemaking would invite comments not only on the proposed rule generally, but also on how it might affect a particular Federal program. If certain changes were needed for a Federal program, then a separate provision would be added to the Federal program regulation that is the counterpart to the permanent program rule.

Several provisions of the permanent program rules are already applicable to all Federal programs because they were promulgated for application to all regulatory programs and therefore need not be cross-referenced here. These provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining; Subchapter D—Federal Lands Program, Part 955—Certification of Blasters in Federal Program States and on Indian lands.

On October 6, 1982, OSM published in the Federal Register a proposed Federal program to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Arizona (47 FR 44194). During the public comment period, OSM was informed by Arizona officials that all known coal reserves in Arizona are located on Indian lands. Based on this information, OSM determined at that time that a Federal program for Arizona for non-Federal and non-Indian lands was not necessary. Therefore, by notice published in the Federal Register on January 4, 1983, OSM withdrew its proposal for a Federal program (48 FR 273).

In November 1993, OSM received a permit application for a surface coal mining operation in New Mexico, including portions extending into Arizona which may constitute activities subject to regulation under SMCRA. Accordingly, OSM determined that a regulatory program in Arizona is needed to regulate any coal exploration and/or surface coal mining and reclamation operations on non-Federal and non-Indian lands in Arizona that may occur in the future.

The State of Arizona has elected not to pursue primacy under a State program at this time. OSM published a proposed Arizona Federal program in the Federal Register on August 10, 1994 (59 FR 41208). The notice announced a 60 day comment period ending on October 11, 1994. In addition, OSM published a newspaper notice in The Apache County Observer, St. Johns, Arizona, located in the vicinity of the proposed mining-related activities in Arizona and provided a 30 day comment period. Consequently, pursuant to section 504(a) of SMCRA, OSM is now promulgating a Federal program for Arizona to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands.

II. Discussion of Final Rule

As mentioned above, when promulgating a Federal program for a State, the Secretary is required by Section 504(a) of SMCRA to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM has reviewed the Arizona laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State.

Review of State Law

OSM has reviewed Arizona State statutes to determine which ones provide regulatory requirements for coal exploration and surface coal mining and reclamation operations as defined by SMCRA, and to identify provisions that might be either more stringent than or inconsistent with the requirements of SMCRA.

The more stringent requirements, whether State or Federal, are adopted for this program by listing in this final rule, the Arizona State statutes that set different controls and for which compliance is required in the surface coal mining and reclamation operation. Although OSM has made a comprehensive search of Arizona law, the list in final § 903.700(c) may not be complete. OSM does not intend an omission to mean that a permit applicant or a permittee does not have to meet those obligations under State law. To the contrary, any relevant State law not superseded by these rules must be complied with by permit applicants and permittees.

Determining whether the State statutes are more stringent than the Federal regulations was done on a case-by-case basis. Citation in the Federal program of State statutes with which compliance is required is not meant as an adoption of those State statutes and regulations for purposes of enforcement by OSM. Citation of such statutes is intended as an aid to persons who must comply with both the Federal program requirements and State statutes.

In accordance with 30 CFR Part 736, OSM identifies and lists at final section 903.700(c) of the Federal program for Arizona the following Arizona statutes which, in certain circumstances, impose stricter environmental controls than are provided for under SMCRA or the Federal regulations. These more stringent Arizona statutes are described and summarized as follows:

(1) The Arizona Department of Agriculture has authority to abate public nuisances including noxious weed seeds. Arizona Revised Statutes (A.R.S.) Sections 3–231 to 3–242. Violation of this statute is a misdemeanor.

(2) It is unlawful to injure any bird or harass any bird upon its nest to remove the nests or eggs of any bird without prior authorization of the Arizona Game and Fish Commission. A.R.S. Section 17–236.

(3) A bridge, dam, dike, or causeway may not be constructed over or in a navigable river or other navigable water without the authorization of the Governor. A.R.S. Section 18–301.

(4) The Department of Mineral Resources has jurisdiction over the mining of minerals, and oil and gas under Title 27 of the Arizona Revised Statutes. One of the functions of that Department is the prevention and elimination of hazardous dust conditions. A.R.S. Section 27–128. Violation of orders of state mine inspectors respecting dust prevention and control is a misdemeanor.

(5) Roads leading into waste dump areas and tailing areas from inhabited or public areas are required to be blocked off and warning signs posted on the perimeter of such areas. A.R.S. Section 27–317.

(6) The primary responsibility for the control and abatement of air pollution rests with the Arizona Department of Environmental Quality and its Hearing Board. The Department is responsible for the establishment and enforcement of air pollution emission standards and ambient air quality standards as a part of a comprehensive air quality plan for Arizona. A.R.S. Title 49.

(7) The Arizona Department of Water Resources has jurisdiction over State water, including ''surface waters.'' ''Surface waters'' means ''the waters of all sources, flowing in streams, canyons, ravines or other natural channels, or in definite underground channels, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds, and springs on the surface. For the purposes of administering this title, surface water is deemed to include Central Arizona Project water.'' A.R.S. Section 45–101. It is a misdemeanor to knowingly use the water of another, or divert water from a stream, waste water or obstruct water flowing into a water work. A.R.S. Section 45–112. Possession of water lawfully denied to the possessor is prima facie evidence of one's guilt. A.R.S. Section 45–112. If water is to be used for mining purposes, the water rights may be severed from the land rights and transferred separately. The separation and transference of water rights are subject to numerous limitations, A.R.S. Section 45–172.

(8) Dams are defined as ''any artificial barrier, including appurtenant works for the impounding or diversion of water except those barriers for the purpose of controlling liquid borne material, twenty-five feet or more in height or the storage capacity of which will be more than fifty acre feet, but does not include any such barrier which is or will be less than six feet in height, regardless of storage capacity, or which has or will have a storage capacity not in excess of fifteen acre feet, regardless of height.'' A.R.S. Section 45–701. The construction, operation, repair or alteration of any dam without the prior approval of the Director of Water Resources is a misdemeanor. A.R.S. Section 45–702 to Section 45–716.

In the proposed rule, OSM identified at § 903.700(f), the Arizona Open Pits Mining Statute, A.R.S. Section 27–421 to Section 27–425, and the Arizona Administrative Code Rules 11–1–1301 through 11–1–1315, as generally interfering with the achievement of the purposes and requirements of the Act and proposed that they be preempted and superseded to the extent they interfered with the regulation of coal exploration or surface coal mining and reclamation operations subject to regulation under SMCRA in accordance with § 504(g) of the Act. However, in response to a reviewer's comment OSM, reexamined the above statute and regulations, and has now concluded that they do not appear to conflict with or interfere with the application of SMCRA under the Federal program for Arizona. Therefore, in this final rule OSM is not preempting any State laws or regulations, at this time. Final § 903.700(d) provides that, if, in the future, a problem arises in the application of the Federal program for Arizona due to the applicability of these or other State laws and regulations, including any that OSM may not have evaluated due to an omission, OSM will consider whether such laws or regulations interfere with the implementation of SMCRA, and if necessary will preempt and supersede them using the procedures of 30 CFR 730.11(a).

Content and Organization of the Federal Program

The content and organization of the Federal program for Arizona generally follows the permanent program regulations. However, as discussed above, instead of the full text appearing, each section includes only a reference to the pertinent permanent program regulation section. A separate paragraph is added under each section where there are deviations from the Federal permanent program regulations for the Arizona Federal program. These paragraphs will generally be found in a subsection (b).

The content and organization of the Arizona Federal program is based on the following provisions of the Federal permanent program regulations, 30 CFR Chapter VII:

Subchapter A—General
Subchapter F—Areas Unsuitable for Mining
Subchapter G—Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems under Regulatory Programs
Subchapter H—Small Operator Assistance
Subchapter J—Bond and Insurance Requirements for Bonding of Surface Coal Mining and Reclamation Operations
Subchapter K—Permanent Program Performance Standards
Subchapter L—Permanent Program Inspection and Enforcement Procedures
Part 955—Certification Program for Blasters

Technical literature cited by OSM in the preamables to the permanent regulatory program (44 FR 14901–15309, March 13, 1979) and in succeeding rulemaking notices, was relied upon in developing the Arizona Federal program. The reader is referred to those preambles for a discussion of the bases and purposes of the permanent program rules referenced in the Arizona program without substantive change.

The numbering system of the permanent program regulations has been incorporated into the numbering system for the Arizona Federal program. Subchapter T of 30 CFR Chapter VII has been established to include regulatory programs by State in alphabetical order, and each State has been assigned a part number. As previously indicated, the regulatory program for Arizona is assigned Part 903. Program elements have been categorized under headings similar to the subchapter titles of the permanent program in 30 CFR Chapter VII.

Detailed Discussion of the Arizona Program

General

In this final rule, minor technical and editorial changes were made to the proposed rule for clarity and conciseness, including deleting redundant working, and in some places rearranging paragraphs of text in a more logical order.

Final §§ 903.700 (a) and (b) contain general statements on the scope and applicability of the program. Final § 903.700(c), which was proposed as § 903.700(e), lists Arizona State laws that include provisions regulating certain aspects of surface coal mining operations and that, in some instances, are more stringent than SMCRA and the Secretary's regulations.

Proposed § 903.700(f) identified certain State laws and regulations that would be preempted and superseded in the Arizona Federal program. However, as explained above under *Review of State Law*, OSM has determined, in response to a reviewer's comment, that preemption of State laws or regulations is not required at this time. In this final rule, § 903.700(d), which replaces proposed § 903.700(f), provides a procedure for the preemption of Arizona State laws and regulations that interfere with achievement of the purpose of SMCRA and Federal regulations if such laws and regulations would be identified at a future date.

Final §§ 903.701 through 903.707 establish the same provisions, where applicable, as 30 CFR Chapter VII, subchapter A, *General*. Final § 903.701(a) contains all applicable

general requirements, including the definitions in 30 CFR 700.5 and 701.5. Subsection (b) of § 903.701 states that, beginning on the effective date of this program and continuing until an operation has a permanent program permit issued by OSM, compliance with the interim program standards in 30 CFR Chapter VII, Subchapter B is required. Section 502(c) of SMCRA provides that all surface coal mining operations on lands on which such operations are regulated by a State shall comply with the interim program standards until a permanent program permit is issued.

Final paragraph (c) of § 903.701 provides that records required by 30 CFR 700.14 to be made available locally to the public shall be retained at the county recorder's office of the county in which an operation is located, and at the OSM Albuquerque Field Office. The provision in the final rule to maintain records at the county recorder's office was added to the proposed provision to maintain records only at the OSM Albuquerque Field Office, to make access easier to the general public.

Section 903.702 establishes the same requirements as Part 702, *Exemption for Coal Extraction Incidental to the Extraction of Other Minerals.* Section 903.707 establishes the same requirements as Part 707, *Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction.*

Permit Fees

Final § 903.736, Permit fees, establishes the same provisions as 30 CFR 736.25.

Areas Designated Unsuitable for Mining

Sections 903.761 through 903.764 establish the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter F, *Areas Unsuitable for Mining.* However, 30 CFR 736.15(b)(1) provides that the procedures and criteria for designating lands unsuitable shall be implemented one year after a Federal program is made effective for a State. Therefore, § 903.764 provides that Part 764 shall apply beginning one year after the effective date of the Arizona program. No separate section for Federal lands is included because 30 CFR Part 769 is directly applicable and need not be made a part of a Federal program for a State.

Permits and Coal Exploration Approvals

Sections 903.772 through 903.785 establish the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter G, *Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs.* The following amplifications are added:

For exploration applications where 30 CFR 772.12 applies, § 903.772(b) requires that, upon receipt of notification from the regulatory authority of the submission of an administratively complete application for an exploration permit, the applicant shall publish one public notice of the filing in a newspaper of general circulation in the county of the proposed exploration area; and provide proof of this publication to the regulatory authority within one week after the newspaper notice is published.

Section 903.772(c) allows 30 days after publication of the public notice for persons adversely affected to file written comments. Section 903.772(d) requires the regulatory authority to act upon a complete exploration application and any written comments within 15 days from the close of the comment period unless additional time is necessary due to the number or complexity of the issues.

In § 903.773, *Requirements for permits and permit processing,* subsection (b), lists Federal laws and corresponding or relevant State laws for which OSM must provide coordination to prevent or minimize duplication of effort with Arizona. Although the proposed rule included The Coastal Zone Management Act in this list, this Federal law does not appear to be relevant in Arizona. Therefore, it has been omitted in final § 903.773(b).

Section 903.773(c), as finalized contains the stipulation that no person may conduct coal exploration or surface coal mining and reclamation operations without first obtaining all other necessary permits from the State. This section lists State laws with which the Secretary will endeavor to coordinate when issuing a permit under this Federal program. For clarity and conciseness, the listing of these State laws in final § 903.773(c) has been rearranged to group them together into related categories, as described below:

(1) Arizona towns and cities are given long-range development and planning responsibility for their jurisdictions. They are authorized to issue zoning ordinances and regulate the industrial use of municipal land and establish special zoning districts (A.R.S. Section 9–461 to Section 9–462.01). Arizona counties have general permitting authority, and violation of a county building permit is a petty offense. A.R.S. 11–322 et seq. Each County's Board of Supervisors has responsibility for promulgating and enforcing the zoning ordinances for the county, and it is unlawful to use land in violation of a zoning regulation, ordinance or permit. Violation of such regulation, ordinance or permit is a misdemeanor. A.R.S. Section 11–808, Section 11–803, and A.R.S. Section 11–821.

(2) The Arizona law concerning the perfection of mining claims and the establishment of claims to mineral rights is found at A.R.S. Section 27–201 to 27–210. Notice of such a claim must be recorded within 90 days in the appropriate office of the County having jurisdiction over the recording of land claims. A.R.S. Section 27–203.

(3) A mineral exploration permit is required before prospecting is allowed on public land. A.R.S. Section 27–251 to Section 27–256.

(4) A permit from the Department of Health Services is required for the discharge of solid wastes and air pollutants. A.R.S. Title 49.

(5) An installation permit is required before any pollution-causing equipment may be installed. Before the equipment can commence operation, an operating permit is required. The permits are not automatically transferable. It is a misdemeanor to violate any air pollution permit, ordinance or statute, and criminal intent is not an element of proof. A.R.S. Title 49.

(6) The Department of Health Services has the responsibility for issuing water pollutant discharge permits. A.R.S. Title 49, Chapter 2.

(7) It is unlawful to discharge wastes or drainage into State waters or reduce water quality below water quality standards or discharge pollutants into waters without a permit from the Department of Health Services. A.R.S. Title 45.

(8) The Department of State Lands has the responsibility for issuing mineral prospecting permits for State lands. A.R.S. Section 37–231.

(9) The waters from all sources belong to the State and are subject to appropriation and beneficial use. In order to appropriate water or make a beneficial use of water, a permit is required from the Director of the Department of Water Resources. The approval of the Director is required before such a permit may be transferred. A secondary permit from the Director is required before use may be made of reservoir waters. A.R.S. Title 45.

Final § 903.773(d) establishes specific permit application review procedures. This is necessary to dispose of flagrantly deficient applications early in processing, to provide a procedure for obtaining additional information, and to indicate the procedure for determinations of completeness. Final § 903.773(e) allows OSM to require an

applicant to submit supplemental information to ensure compliance with applicable Federal laws and regulations other than SMCRA and its implementing regulations. Final § 903.773(f) establishes, pursuant to 30 CFR 773.15(a)(1), a time period of 60 days from the close of the comment period for the regulatory authority to issue a written decision unless additional time is necessary due to the number or complexity of the issues. The final rule at § 903.773(g) establishes a procedure for ensuring confidentiality of qualified permit application information. Such information must be labeled confidential and submitted separately to be reviewed by OSM for withholding from disclosure. In addition, § 903.773(g)(1) requires the public notice required by § 903.773(d)(3) to identify the type of information considered to be confidential. Finally, § 903.773(g)(2) requires OSM to rule on the confidentiality of labeled application information within ten days of the last publication of the notice required under § 903.773(d)(3).

Proposed § 903.774(b) was described as providing that a permit revision shall be considered significant if it may have the potential to adversely impact the potential for the achievement of reclamation and the post-mining land use. However, this provision was included under proposed § 903.774(d). Final § 903.774(c) incorporates proposed § 903.774(d). In addition, final § 903.774(c) provides that OSM's Western Support Center shall consider the following factors as well as other relevent factors in determining the significance of a proposed revision: (1) Changes in production or recoverability of the coal resource; (2) the environmental effects; (3) the public interest in the operation, or likely interest in the proposed revision; and (4) possible adverse impacts from the proposed revision on fish or wildlife, endangered species, bald or golden eagles, or cultural resources. Final § 903.774(c) also provides that a significant revision requires public notice and is subject to a formal hearing if one is requested.

The remaining subparagraphs of proposed § 903.774 have been redesignated as follows. Proposed § 903.774(d) has been incorporated into final § 903.774(c), as discussed above. Proposed § 903.774(e), which has been redesignated as final § 903.774(d), provides that OSM approve or disapprove non-significant permit revisions within a reasonable amount of time. Final § 903.774(e), which was proposed as § 903.774(f), allows 30 days for any person having an interest that is or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights to submit written comments after publication of the notice required by 30 CFR 774.17(b)(2). Final § 903.774(f), which was proposed as § 903.774(g), allows interested persons and public entities 30 days from the last publication of the notice to submit written comments on or objections to an application for significant revision or permit renewal.

The permanent program regulations at 30 CFR 779.19(a) give the regulatory authority discretion to require a map that delineates vegetation types in the proposed permit area. The final rule at § 903.779(b) requires the applicant for a surface mining permit to submit such a map. Similarly, the rule at § 903.783(b) requires a vegetation map for underground mining permits.

Small Operator Assistance

Section 903.795 establishes the same standards for the small operator assistance program (SOAP) as are found in Part 795 of the permanent program rules. OSM expects during its administration of the SOAP in Arizona that Federal funds will be sufficient to provide for authorized services, and it does not expect to exercise its option at 30 CFR 795.11(b). That option allows OSM to establish a formula for allocating limited funds to provide the service pursuant to Part 795. OSM will award SOAP contracts to qualified laboratories utilizing a streamlined procurement system that complies with the Federal Acquisition Regulations. Prior to issuing a Request for Proposals, OSM will announce its intention through publication in the Commerce Business Daily or other appropriate publication. OSM will qualify labs as part of its contracting process.

Bonding

Section 903.800 establishes the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter J, *Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations.* The final rule at § 903.800(b) requires the operator to file an application for release of performance bond no later than 30 days prior to the end of the growing season.

Performance Standards

Sections 903.815 through 903.828 establish the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter K, except for the following changes:

As proposed, §§ 903.816(b) and 903.817(b) identified revegetation success standards as those at 30 CFR 816.116(a)(2) and 817.116(a)(2), whereas the actual standards are found at 30 CFR 816.116 (a)(2) and (b) and 817.116 (a)(2) and (b). Therefore, a minor technical correction has been made in this final rule to cross reference the appropriate success standards intended to be cited.

Final § 903.816(b) requires: (1) That the standards for revegetation success for surface mining activities shall be those specified at 30 CFR 816.116 (a)(2) and (b); and (2) that statistically valid sampling techniques for measuring success shall be included in the mining and reclamation plan.

Final § 903.817(b) requires: (1) That the standards for revegetation success for underground mining activities shall be those specified in 30 CFR 816.117 (a)(2) and (b); and (2) that statistically valid sampling techniques for measuring success shall be included in the mining and reclamation plan.

Inspection and Enforcement Procedures

Sections 903.842, 903.843, 903.845, and 903.846 establish the same provisions as 30 CFR Chapter VII, Subchapter L, *Permanent Program Inspection and Enforcement Procedures.* The final rules at §§ 903.842(b) and 903.843(b) require OSM to furnish to a designated Arizona State agency with jurisdiction over mining, on request, copies of inspection reports and enforcement actions, respectively.

Blaster Training and Certification

Section 903.955 cross-references 30 CFR Part 955 of the permanent program regulations.

III. Response to Public Comments

OSM published a proposed Arizona Federal program in the Federal Register on August 10, 1994 (59 FR 41208). The notice announced a 60 day comment period ending on October 11, 1994. A public hearing was scheduled for September 26, 1994, in Phoenix, Arizona, but it was not held because no one requested to testify at the hearing. On February 2, 1995, OSM also published a newspaper notice in The Apache County Observer, St. Johns, Arizona, in the vicinity of the proposed coal mining-related activities in Arizona. This notice stated that OSM would receive comments on the proposed Arizona Federal program until March 6, 1995 and will include them in the Administrative record for this rulemaking, which was reopened for that purpose. The newspaper notice also offered to hold a public hearing during the comment period, but it was not held because no one requested to testify at the hearing.

OSM received comments from two commenters on the proposed Arizona Federal program rule during the comment period of the Federal Register notice. No comments were received from the publication of the newspaper notice.

One commenter stated that the preamble to the proposed rules does not adequately explain why OSM reinitiated the process for adopting a Federal program for Arizona and that a more complete discussion of that background should be included in the preamble to minimize the potential for misinterpretation of the intent and effect of a Federal program for Arizona, especially with respect to transportation of coal.

OSM reproposed a Federal program for Arizona to enable OSM to regulate surface coal mining operations that could occur in Arizona in the future either through mining operations or through other associated activities resulting from or incident to a surface coal mining operation, including coal transportation systems. When OSM became aware of a proposed surface coal mining operation in New Mexico that would include transportation facilities extending into Arizona, OSM determined that a Federal program should be in place in the event that these activities are subject to regulation under SMCRA.

The same commenter stated that OSM should make clear that it has not purported to determine that the proposed railroad in Arizona would constitute a ''surface coal mining operation'' subject to SMCRA. The commenter indicated that the railroad in question has been included in the permit application for the proposed mining operation to avoid undue delay while awaiting a final decision regarding the applicability of SMCRA. The commenter expressed its opinion that the railroad in question is not subject to SMCRA; however, it supports and urges adoption of the Arizona Federal program to avoid delays in connection with the permit process for the proposed mining operation with the contingency that the program should either automatically terminate or be reconsidered upon the conclusion of Interior Board of Land Appeals Case (IBLA) No. 94–366 and OSM's national rulemaking on railroads. The commenter further stated that OSM should make clear that it does not intend to apply the Arizona program to any other railroad or other facilities at this time; and that OSM should provide that the Federal program and any permit for the Arizona segment of the proposed railroad will automatically terminate or be reconsidered when the pending proceedings regarding regulation of railroads have been concluded.

Some railroads are subject to regulation under SMCRA as support facilities resulting from or incident to surface coal mining activities. Currently, this determination is made on a case-by-case basis by the regulatory authority through the permitting process. The determination is based on an evaluation of factors such as function, proximity, and economic dependence of the facility on a surface coal mine. OSM is currently reviewing the adequacy of its regulations and policies concerning the regulation of railroads as support facilities under SMCRA and may undertake national rulemaking at some time in the future to clarify the applicability of OSM's regulations to railroads.

There are also cases pending before the Interior Board of Land Appeals that, when decided, will bear upon this issue. However, OSM believes that it is important to separate the issue of the regulation of specific railroads on a case-by-case basis from the issue of establishing a Federal program for Arizona to regulate any such activities that are determined to be surface coal mining operations. OSM believes that the establishment of a Federal program is not contingent upon whether any particular activity should or should not be subject to regulation under SMCRA. A decision whether to regulate the proposed railroad under the Arizona program will be made separately from the decision to adopt a Federal program and, if necessary, will be subject to separate administrative and judicial review proceedings. The question of which railroads are subject to regulation under SMCRA is a separate issue and is beyond the scope of this rulemaking.

OSM agrees that any permit for railroad facilities under a Federal program for Arizona may be considered for revision or termination based on regulatory or policy changes. OSM will evaluate the effect of regulatory or policy changes on other existing or proposed support facilities at the time that such changes may occur. With respect to termination of the Federal program for Arizona, Federal programs may be terminated under 30 CFR § 736.16 provided that a State program has been approved under 30 CFR Part 732. Terminations could possibly also be accomplished if OSM determines that such a program is not needed.

The commenter stated that OSM should expressly acknowledge that its action is in no way intended to affect, much less preempt, IBLA Case No. 94–366 or the national rulemaking proceeding regarding railroads. OSM agrees with the commenter. OSM is establishing a Federal program in Arizona to allow for regulation of any surface coal mining operations that may occur independently of and without any intent to affect or preempt any pending proceedings on railroad regulatory issues or on any rulemaking proceeding regarding railroads.

Another commenter provided the following comments which consist of corrections to State statutes and regulations referenced in the proposed Arizona Federal program rule:

Reference to the Arizona Department of Agriculture and Horticulture should be changed to read: ''Arizona Department of Agriculture;'' Reference to the Arizona Department of Health Services should be changed to read: ''Arizona Department of Environmental Quality;'' Under item (3) in the table included in § 903.773(b), add the following State law equivalent to the Resource Conservation and Recovery Act: ''A.R.S. Title 49, Secs, 921–932.''

These suggested corrections/additions have been added to this final rule.

This commenter also questioned whether, under § 903.700(f), all cited sections of the Arizona open Pits mining statute (A.R.S. Sections 27–421 to 27–425) are truly less stringent than SMCRA, as indicated in the proposed rule. As mentioned earlier, OSM has reevaluated the cited sections of the subject Act and finds that such preemption is not required at this time.

IV. Procedural Matters

Federal Paperwork Reduction Act

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12866

This rule has been reviewed under Executive Order 12866.

Regulatory Flexibility Act

The Department of the Interior has determined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this rule will not have a significant economic impact on a substantial number of small entities because no small entities are expected to apply for permits under the Arizona Federal Program and the total number of permits applied for under the program is expected to be very small.

National Environmental Policy Act

Section 702(d) of SMCRA provides that promulgation of a Federal program shall not constitute a major Federal action under the National

Environmental Policy Act, 42 U.S.C. 433. Thus, no environmental assessment or environmental impact statement is required for this rulemaking.

Executive Order 12778 (Civil Justice Reform)

This rule has been reviewed under the applicable standards of section 2(b)(2) of Executive Order 12778, ''Civil Justice Reform'' (56 FR 55195). In general, the requirements of section 2(b)(2) are covered by the preamble discussion of this rule. Individual elements of the order are addressed below:

A. What would be the preemptive effect, if any, to be given to the regulation?

As provided for under SMCRA, the regulatory program has a preemptive effect with respect to State laws and regulations less stringent than SMCRA (see above under *Discussion of Final Rule*).

B. What would be the effect of the regulation on existing Federal law or regulation, if any, including all provisions repealed or modified?

The regulations being adopted implement SMCRA in the State of Arizona, described herein, and are not intended to modify the implementation of any other Federal statute. The preceding discussion of this rule specifies the Federal regulatory provisions that are affected by this rule.

C. Would the regulation provide a clear and certain legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction?

The standards established by this rule are as clear and certain as practicable, given the complexity of the topics covered and the mandates of SMCRA.

D. What would be the retroactive effect, if any, to be given to the regulations?

There would be no retroactive effect to the final regulation.

E. Are administrative proceedings required before parties may file suit in court? Which proceedings apply? Is the exhaustion of administrative remedies required?

No administrative proceedings are required before parties may file suit in court challenging the provisions of this rule. Prior to any judicial challenge to the application of the rule, however, administrative procedures must be exhausted. Applicable administrative procedures may be found at 43 CFR Part 4.

F. Would the proposed action define key terms, either explicitly or by reference to other regulations or statutes that explicitly define those items?

Terms which are important to the understanding of this rule are set forth at 30 CFR 700.5, 701.5, and 740.5.

G. Would the regulation address other important issues affecting clarity and general draftsmanship of regulations set forth by the Attorney General, with the concurrence of the Director of the Office of Management and Budget, that are determined to be in accordance with the purposes of the Executive Order?

The Attorney General and the Director of the Office of Management and Budget have not issued any guidance on this requirement.

Author

The principal authors of these final regulations are James B. Smith, Regulatory Programs Branch, Albuquerque Field Office, 500 Marquette Ave. NW, Suite 1200, Albuquerque, NM 87110; and Fred Block, Branch of Federal and Indian Programs, Division of Regulatory Programs, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW, Washington, DC 20240.

List of Subjects in 30 CFR Part 903

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting and recordkeeping requirements.

Dated: April 4, 1995.

Bob Armstrong,

Assistant Secretary—Land and Minerals Management.

Accordingly, OSM is amending 30 CFR Chapter VII, Subchapter T as set forth below:

1. Part 903 is added to read as follows:

PART 903—ARIZONA

Sec.

Authority: 30 U.S.C. 1201 *et seq.*

§ 903.700 Arizona Federal Program.

(a) This part establishes a Federal program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and applies to all coal exploration and surface coal mining and reclamation operations in Arizona conducted on non-Federal and non-Indian lands. To the extent required by 30 CFR Part 740, this part also applies to surface coal mining and reclamation operations on Federal lands in Arizona.

(b) Some rules in this part cross-reference pertinent parts of the permanent program rules in this chapter. The full text of a cross-referenced rule is in the permanent program rule cited under the relevant section of the Arizona Federal program.

(c) The following provisions of Arizona law generally provide for more stringent environmental control and regulation of some aspects of surface

coal mining and reclamation operations than do the provisions of the Surface Mining Control and Reclamation Act of 1977, and the regulations in this chapter. Therefore, pursuant to section 505(b) of the Act, OSM will not generally construe such laws to be inconsistent with the Act, unless in a particular instance OSM determines that the rules in this chapter establish more stringent environmental or land use controls:

(1) The Arizona Department of Agriculture has authority to abate public nuisances, including noxious weeds and noxious weed seeds, under A.R.S. Section 3–231 to 3–242. Violation of this statute is a misdemeanor.

(2) It is unlawful to injure any bird or harass any bird upon its nest or remove the nests or eggs of any bird without prior authorization of the Arizona Game and Fish Commission. A.R.S. Section 17–236.

(3) A bridge, dam, dike or causeway may not be constructed over or in a navigable river or other navigable water without the authorization of the Governor. A.R.S. Section 18–301.

(4) The Department of Mineral Resources has jurisdiction over the mining of minerals, and oil and gas under Title 27 of the Arizona Revised Statutes. One of the functions of that Department is the prevention and elimination of hazardous dust conditions. A.R.S. Section 27–128. Violation of orders of State mine inspectors respecting dust prevention and control is a misdemeanor.

(5) Roads leading into waste dump areas and tailing areas from inhabited or public areas are required to be blocked off and warning signs posted on the perimeter of such areas. A.R.S. Section 27–317.

(6) The primary responsibility for the control and abatement of air pollution rests with the Arizona Department of Environmental Quality and its Hearing Board. The Department is responsible for the establishment and enforcement of air pollution emission standards and ambient air quality standards as a part of a comprehensive air quality plan for Arizona. A.R.S. Title 49.

(7) The Arizona Department of Water Resources has jurisdiction over State water, including ''surface waters.'' ''Surface waters'' means ''the waters of all sources, flowing in streams, canyons, ravines or other natural channels, or in definite underground channels, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds and springs on the surface. For the purposes of administering this title, surface water is deemed to include Central Arizona Project Water.'' A.R.S. Section 45–101. It is a misdemeanor to knowingly use the water of another, or divert water from a stream, waste water or obstruct water flowing into a water work. A.R.S. Section 45–112. Possession of water lawfully denied to the possessor is prima facie evidence of one's guilt. A.R.S. Section 45–112. If water is to be used for mining purposes the water rights may be severed from the land rights and transferred separately. The separation and transference of water rights is subject to numerous limitations, under A.R.S. Section 45–172.

(8) Dams are defined as ''any artificial barrier, including appurtenant works for the impounding or diversion of water except those barriers for the purpose of controlling liquid borne material, twenty-five feet or more in height or the storage capacity of which will be more than fifty acre feet, but does not include any such barrier which is or will be less than six feet in height, regardless of storage capacity, or which has or will have a storage capacity not in excess of fifteen acre feet, regardless of height.'' A.R.S. Section 45–701. The construction, operation, repair or alteration of any dam without the prior approval of the Director of Water Resources is a misdemeanor. A.R.S. Section 45–702 to Section 45–716.

(d) Any Arizona law or regulation which may be found to interfere with the purposes and achievements of the Act, shall be preempted and superseded to the extent that the State law or regulation is inconsistent with, or precludes implementation of, requirements of the Act or this chapter under the Federal program for Arizona. The Director shall publish a notice to that effect in the Federal Register following the procedures set forth in § 730.11(a) of this chapter.

(e) The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 in its approval of the information collection requirements contained in the permanent regulatory program.

§ 903.701 General.

(a) Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter apply to coal exploration and surface coal mining and reclamation operations in Arizona.

(b) Beginning on May 12, 1995, each surface coal mining and reclamation operation in Arizona must comply with Subchapter B of this chapter until issuance of a permanent program permit under the provisions of Subchapter C of this chapter.

(c) Records required by § 700.14 of this chapter to be made available locally to the public shall be made available in the county recorder's office of the county in which an operation is located, and at the OSM Albuquerque Field Office.

§ 903.702 Exemption for coal extraction incidental to the extraction of other minerals.

Part 702 of this chapter, *Exemption for Coal Extraction Incidental to the Extraction of Other Minerals,* applies to any person who conducts coal extraction incidental to the extraction of other minerals for purposes of commercial use or sale.

§ 903.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, *Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction,* applies to surface coal mining and reclamation operations.

§ 903.736 Permit fees.

Section 736.25 of this chapter, *Permit fees* applies to any person who makes application for a permit to conduct surface coal mining and reclamation operations in Arizona.

§ 903.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, *Areas Designated by Act of Congress,* applies to surface coal mining operations.

§ 903.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, *Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations,* applies to surface coal mining operations.

§ 903.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, *State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations,* pertaining to petitions, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities, applies to surface coal mining operations beginning June 24, 1996, one year after the effective date of this program.

§ 903.772 Requirements for coal exploration.

(a) Part 772 of this chapter, *Requirements for Coal Exploration,* applies to any person who conducts coal exploration. For those applications where § 772.12 of this chapter applies,

the requirements of paragraphs (b) through (d) of this section shall apply in place of § 772.12(c) (1) and (3) and § 772.12(d)(1) of this chapter.

(b) The applicant, upon receipt of notification from the regulatory authority of the submission of an administratively complete application for an exploration permit, must:

(1) Publish one public notice of the filing in a newspaper of general circulation in the county of the proposed exploration area; and

(2) Provide proof of this publication to the regulatory authority within one week of publication.

(c) Any person having an interest which is or may be adversely affected, shall have the right to file written comments within 30 days after the notice is published.

(d) The regulatory authority shall act upon an administratively complete application for a coal exploration permit and any written comments within 15 days from the close of the comment period unless additional time is necessary due to the number or complexity of the issues. The regulatory authority may approve a coal exploration permit only if based upon a complete and accurate application.

§ 903.773 Requirements for permits and permit processing.

(a) Part 773 of this chapter, *Requirements for Permits and Permit Processing,* applies to any person who applies for a permit for surface coal mining and reclamation operations.

(b) The Secretary will coordinate, to the extent practicable, his/her responsibilities under the following Federal laws with the relevant Arizona laws to avoid duplication:

Federal law	State law
(1) Clean Water Act, as amended, 33 U.S.C. 1251 et seq	A.R.S Title 49, Art. 2, Sec 221–225; A.R.S Title 49, Art. 3, Sec 241–251; A.R.S Title 49, Art. 10, Sec 361–363; A.R.S Title 49, Art. 11, Sec 371–381.
(2) Clean Air Act, as amended, 42 U.S.C. 7401 et seq	A.R.S. Title 49.
(3) Resource Conservation and Recovery Act, 42 U.S.C. 3251, et seq	A.R.S. Title 49, sections 921–932.
(4) National Environmental Policy Act, 42 U.S.C. 4321 et seq	A.R.S. Title 49, section 104.
(5) Archeological and Historic Preservation Act, 16 U.S.C. 469 et seq	Arizona Antiquities Act—A.R.S. Title 41 secs. 821, 841–846, 861, 862, 865, 1352.
(6) National Historic Preservation Act, 16 U.S.C. 470 et seq	A.R.S. Title 13 Secs. 3702, 3702.1; Title 41 secs. 511, 511.04, 821, 861, 862, 1352; Title 44 sec. 123.
(7) Section 208 of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.	A.R.S. Sections 49–101, 201 and 371.
(8) Endangered Species Act, 16 U.S.C. 1531 et seq	A.R.S. Title 17 Section 231A.2 Arizona Admin. Code Title 18 Chapter 10, Article 1.
(9) Fish and Wildlife Coordination Act, 16 U.S.C. 661–667.	
(10) Noise Control Act, 42 U.S.C. 4903.	
(11) Bald Eagle Protection Act, 16 U.S.C. 668–668(d)	A.R.S. Title 17 Section 235.

(c) No person may conduct coal exploration operations that result in removal of more than 250 tons of coal in one location or surface coal mining and reclamation operations:

(1) Without a permit issued by the Secretary as required under 30 CFR part 772 or 773; and

(2) Without permits, leases and/or certificates required by the State of Arizona, including, but not limited to the following:

(i) Municipal planning statutes (A.R.S. Section 9–461 to 9–462.01); County planning and zoning statutes (A.R.S. Sections 11–322 et seq., 11–803, 11–808, 11–821);

(ii) Statutes governing perfection and recordation of mining claims (A.R.S. Section 27–201 to 27–210);

(iii) Statutes requiring mineral exploration permits (A.R.S. Section 27–251 to 27–256);

(iv) Solid waste and air pollution discharge permits, installation and operation permits required for equipment causing air pollution and water pollution discharge permits (A.R.S. Title 49);

(v) Mineral prospecting permits for State lands (A.R.S. Section 37–231);

(vi) Permits for discharge into or use of State waters and permits for secondary use of reservoir waters (A.R.S. Title 45).

(d) In addition to the requirements of part 773 of this chapter, the following permit application review procedures apply:

(1) Any person applying for a permit must submit at least five copies of the application to OSM's Western Support Center (WSC) in Denver, Colorado.

(2) WSC shall review an application for administrative completeness and acceptability for further review, and notify the applicant in writing of the findings. WSC may:

(i) Reject a flagrantly deficient application, notifying the applicant of the findings;

(ii) Request additional information required for completeness, stating specifically what information must be supplied; or

(iii) Determine the application administratively complete and acceptable for further review.

(3) When WSC determines the application to be administratively complete, it will notify the applicant. Upon such notification, the applicant must publish the public notice required by § 773.13(a)(1) of this chapter.

(4) A representative of WSC may visit the proposed permit area if necessary to determine whether the operation and reclamation plans are consistent with actual site conditions. WSC will provide the applicant advance notice of the time of the visit.

(5) In determining the completeness of an application, WSC will consider whether the information provided in the application is adequate for OSM to comply with the National Environmental Policy Act, 42 U.S.C. 4322. If necessary, WSC may require specific additional information from the applicant as any environmental review progresses.

(e) In addition to the information required by subchapter G of this chapter, WSC may require an applicant to submit supplemental information to ensure compliance with applicable Federal laws and regulations other than the Act and 30 CFR chapter VII.

(f) In making a decision on an application, the regulatory authority shall review any written comments or objections it has received and the records of any informal conference or hearing it has held on the application. The regulatory authority shall issue a written decision in accordance with the timeframes in the following table:

If * * *	And * * *	Then a written decision shall be issued * * *
OSM has not prepared an EIS	An informal conference has not been held.	Within 60 days of the close of the comment period.
OSM has not prepared an EIS	An informal conference has been held.	Within 60 days of the conclusion of the informal conference (unless additional time is needed because of the number or complexity of the issues).
OSM has prepared an EIS	.....	No earlier than 30 days after the Environmental Protection Agency publishes the notice of availability of the final EIS in the **Federal Register.**

(g) OSM will consider withholding information from public disclosure under § 773.13(d) of this chapter if the applicant labels the information confidential and submits it separately from the rest of the application.

(1) If the applicant submits information identified as confidential, the notice required by § 773.13(a)(1) of this chapter shall state this and identify the type of information that the applicant has submitted.

(2) OSM shall determine the qualification of any application information labeled confidential within 10 days of the last publication of the notice required under § 773.13(a)(1) of this chapter, unless additional time is necessary to obtain public comment or in the event of unforeseen circumstances.

§ 903.774 Revision; renewal; and transfer, assignment, or sale of permit rights.

(a) Part 774 of this chapter, *Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights,* applies to any such actions involving surface coal mining and reclamation operations permits, except as specified in this section.

(b) No revision to an approved mining or reclamation plan shall be effective until reviewed and approved by WSC.

(c) Any significant revision to the approved mining or reclamation plan shall be subject to the public notice and hearing provisions of §§ 903.773(d)(3) and 773.13 (b) and (c) of this chapter before it is approved and implemented. Any revision to an approved reclamation plan that may have the potential to adversely affect the achievement of reclamation and the post-mining land use is a significant permit revision. In addition, WSC will consider the following factors, as well as other relevant factors, in determining the significance of a proposed revision:

(1) Changes in production or recoverability of the coal resource;

(2) Environmental effects;

(3) Public interest in the operation, or likely interest in the proposed revision; and

(4) Possible adverse impacts from the proposed revision on fish or wildlife, endangered species, bald or golden eagles, or cultural resources.

(d) The regulatory authority will approve or disapprove non-significant permit revisions within a reasonable time after receiving a complete and accurate revision application. Significant revisions and renewals shall be approved or disapproved under the provisions of § 903.773(f).

(e) Any person having an interest that is or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, may submit written comments on the application to WSC. Comments may be submitted within 30 days of either the publication of the newspaper notice required by § 774.17(b)(2) of this chapter, or receipt of an administratively complete application, whichever is later. For purposes of this paragraph, a person includes, but is not limited to an official of any Federal, State, or local government agency.

(f) Within 30 days from the last publication of the newspaper notice, written comments or objections to an application for significant revision or renewal of a permit may be submitted to the regulatory authority by:

(1) Any person having an interest that is or may be adversely affected by the decision on the application; or

(2) Public entities notified under § 773.13(a)(3) of this chapter of the proposed mining operations on the environment within their areas of responsibility.

§ 903.775 Administrative and judicial review of decisions.

Part 775 of this chapter, *Administrative and Judicial Review of Decisions,* applies to all decisions on permits.

§ 903.777 General content requirements for permit applications.

(a) Part 777 of this chapter, *General Content Requirements for Permit Applications,* applies to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

(b) Any person who wishes to conduct surface coal mining and reclamation operations must file a complete application as early as possible before the date the permit is desired and pay to OSM a permit fee in accordance with § 903.736.

(c) Any person who wishes to revise a permit shall submit a complete application as early as possible before the desired approval date of the permit revision and shall pay a permit fee in accordance with 30 CFR 777.17.

§ 903.778 Permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 778 of this chapter, *Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information,* applies to any person who submits an application for a permit to conduct surface coal mining and reclamation operations.

§ 903.779 Surface mining permit applications—Minimum requirements for information on environmental resources.

(a) Part 779 of this chapter, *Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources,* applies to any person who submits an application to conduct surface coal mining and reclamation operations.

(b) Each permit application must include a map that delineates existing vegetative types and a description of the plant communities within the proposed permit area and within any proposed reference area.

§ 903.780 Surface mining permit applications—Minimum requirements for reclamation and operation plan.

Part 780 of this chapter, *Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan,* applies to any person who submits an application to conduct surface coal mining and reclamation operations.

§ 903.783 Underground mining permit applications—Minimum requirements for information on environmental resources.

(a) Part 783 of this chapter, *Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources,* applies to any person who

submits an application to conduct underground coal mining operations.

(b) Each permit application must include a map that delineates existing vegetative types and a description of the plant communities within the proposed permit area and within any proposed reference area.

§ 903.784 Underground mining permit applications—Minimum requirements for reclamation and operation plan.

Part 784 of this chapter, *Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan,* applies to any person who submits an application to conduct underground coal mining operations.

§ 903.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, *Requirements for permits for Special Categories of Mining,* applies to any person who submits an application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 903.795 Small operator assistance program.

Part 795 of this chapter, *Small Operator Assistance Program,* applies to any person who submits an application for assistance under the small operator assistance program.

§ 903.800 Bond and insurance requirements for surface coal mining and reclamation operations under regulatory programs.

(a) Part 800 of this chapter, *Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations Under Regulatory Programs,* applies to all surface coal mining and reclamation operations, except for § 800.40(a)(1) of this chapter regarding the bond release application, for which paragraph (b) of this section substitutes.

(b) The permittee may file an application with the regulatory authority for the release of all or part of a performance bond. The application must be filed no later than 30 days before the end of the vegetation growing season in order to allow time for the regulatory authority to properly evaluate the completed reclamation operations. The appropriate times or seasons for the evaluation of certain types of reclamation shall be identified in the mining and reclamation plan required in subchapter G of this chapter and approved by the regulatory authority.

§ 903.815 Performance standards—Coal exploration.

Part 815 of this chapter, *Permanent Program Performance Standards—Coal Exploration,* applies to any person who conducts coal exploration.

§ 903.816 Performance standards—Surface mining activities.

(a) Part 816 of this chapter, *Permanent Program Performance Standards—Surface Mining Activities,* applies to any person who conducts surface mining activities, except § 816.116(a)(1) of this chapter regarding revegetation success standards, for which paragraph (b) of this section substitutes.

(b) Standards for success shall be those identified at § 816.116(a)(2) and (b) of this chapter. Statistically valid sampling techniques for measuring success shall be included in the mining and reclamation plan and approved by the regulatory authority.

§ 903.817 Performance standards—Underground mining activities.

(a) Part 817 of this chapter, *Permanent Program Performance Standards—Underground Mining Activities,* applies to any person who conducts underground mining activities, except § 817.116(a)(1) of this chapter regarding revegetation success standards, for which paragraph (b) of this section substitutes.

(b) Standards for success shall be those identified at § 817.116(a)(2) and (b) of this chapter. Statistically valid sampling techniques for measuring success shall be included in the mining and reclamation plan and approved by the regulatory authority.

§ 903.819 Special performance standards—Auger mining.

Part 819 of this chapter, *Special Permanent Program Performance Standards—Auger Mining,* applies to any person who conducts surface coal mining operations that include auger mining.

§ 903.822 Special performance standards—Operations in alluvial valley floors.

Part 822 of this chapter, *Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors,* applies to any person who conducts surface coal mining and reclamation operations on alluvial valley floors.

§ 903.823 Special performance standards—Operations on prime farmland.

Part 823 of this chapter, *Special Permanent Program Performance Standards—Operations on Prime Farmland,* applies to any person who conducts surface coal mining and reclamation operations on prime farmland.

§ 903.824 Special performance standards—Mountaintop removal.

Part 824 of this chapter, *Special Permanent Program Performance Standards—Mountaintop Removal,* applies to any person who conducts surface coal mining and reclamation operations constituting mountaintop removal mining.

§ 903.827 Special performance standards—Coal preparation plants not located within the permit area of a mine.

Part 827 of this chapter, *Permanent Program Performance Standards—Coal Preparation Plants Not Located Within the Permit Area of a Mine,* applies to any person who conducts surface coal mining and reclamation operations which include the operation of a coal preparation plant not located within the permit area of a mine.

§ 903.828 Special performance standards—In situ processing.

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing,* applies to any person who conducts surface coal mining and reclamation operations that include the in situ processing of coal.

§ 903.842 Federal inspections.

(a) Part 842 of this chapter, *Federal Inspections,* applies to all coal exploration and surface coal mining and reclamation operations.

(b) In addition to the requirements of Part 842 of this chapter, OSM will furnish copies of inspection reports when requested by a designated Arizona State agency with jurisdiction over mining.

§ 903.843 Federal enforcement.

(a) Part 843 of this chapter, *Federal Enforcement,* applies regarding enforcement action on coal exploration and surface coal mining and reclamation operations.

(b) In addition to the requirements of Part 843 of this chapter, OSM will furnish copies of enforcement actions and orders to show cause, upon request, to a designated Arizona State agency with jurisdiction over mining.

§ 903.845 Civil penalties.

Part 845 of this chapter, *Civil Penalties,* applies to the assessment of civil penalties for violations on coal exploration and surface coal mining and reclamation operations.

§ 905.846 Individual civil penalties.

Part 846 of this chapter, *Individual Civil Penalties,* applies to the assessment of individual civil penalties under section 518(f) of the Act.

§ 903.955 Certification of blasters.

Part 955 of this chapter, *Certification of Blasters in Federal Program States and on Indian Lands,* applies to the training, examination and certification of blasters for surface coal mining and reclamation operations.

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Wednesday
April 12, 1995

Part VII

The President

Proclamation 6785—Education and Sharing Day, U.S.A.

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Vol. 60, No. 70
Wednesday, April 12, 1995

Presidential Documents

Title 3—

The President

Proclamation 6785 of April 10, 1995

Education and Sharing Day, U.S.A., 1995

By the President of the United States of America

A Proclamation

As we move toward a complex and challenging new century, excellence in American education is more vital to our Nation's success than ever. We live in an era when advances in science and technology create new questions and demand more of our citizens each day. Only a national commitment to high-quality education can prepare our young people to meet the great responsibilities and opportunities of the future.

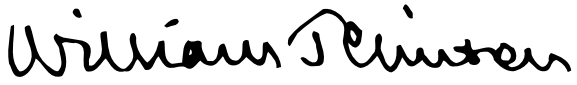
Yet an education that prepares a child for a lifetime is more than an accumulation of facts or single-minded preparation for a career. It is also a set of ideals and ethics that unites all Americans and allows us to work together for a just and honorable society. Teachers, families, and communities play vital roles in passing on these shared values and common hopes for a better tomorrow.

Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, well understood the importance of nurturing the heart along with the mind. Throughout his long and rich life, he believed that the education of our young people would only be successful if it sought to build character as well as intellect, if it taught the lessons of honesty, tolerance, and good citizenship, as well as language, math, and science.

This year, let us rededicate ourselves to teaching the love of learning that was championed by Rabbi Schneerson and is strengthened by caring leaders like him throughout our Nation. As we provide our students with the information and practical tools they need, let us also pass on to them the capacity for understanding that can help to give fuller meaning to their lives.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 11, 1995, as ''Education and Sharing Day, U.S.A.'' I call upon Government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.



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FEDERAL REGISTER PAGES AND DATES, APRIL

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

132.....18347
134.....18347
141.....18347
145.....18347
146.....18347
148.....18347
151.....18347
152.....18347
177.....18347
181.....18347
191.....18347

20 CFR

404.....17443

Proposed Rules:

Ch. III.....17731

21 CFR

20.....16962
101.....17202
176.....18349
178.....18349, 18352
310.....17611
876.....17208
1310.....17636

Proposed Rules:

876.....17611

22 CFR

514.....16785

23 CFR

655.....18520

24 CFR

215.....17388
236.....17388
570.....17445
813.....17388
905.....17388, 18174
913.....17388
950.....18174
3500.....16985

Proposed Rules:

29.....17968

26 CFR

1.....17216

Proposed Rules:

1.....17286, 17731, 18377, 18378

27 CFR

55.....17446
72.....17446
178.....17446
179.....17446

Proposed Rules:

53.....18039
55.....17494
72.....17494
178.....17494
179.....17494

28 CFR

2.....18353
0.....17456

Proposed Rules:

2.....18378, 18379

29 CFR

580.....17221

30 CFR

903.....18710
914.....16985, 17637
915.....17458
938.....16788

Proposed Rules:

Ch. 1.....18044
901.....18044
902.....17495
904.....17498
906.....17501
913.....17734
914.....17736
915.....17504
916.....17504
917.....17739
918.....17498
920.....18046
924.....18044
925.....17504
926.....17495
931.....17501
934.....17495
935.....17741, 18380
936.....17498
938.....18046
943.....17498
944.....17501
946.....17743
948.....18381
950.....17495

32 CFR

290.....18005
354.....18006
355.....18006
357.....18006
359.....18006
360.....18006
361.....18006
374.....18006

Proposed Rules:

63.....17507
247.....18049

33 CFR

3.....17222
117.....18006
154.....17134
155.....17134
162.....16793
165.....16793, 18008
334.....18543

Proposed Rules:

Ch. I.....17287
117.....18061
165.....16818, 16820, 16821, 18063, 18065, 18066, 18068
211.....18069
402.....18384

34 CFR

350.....17424
351.....17424
352.....17424
353.....17424
356.....17424

36 CFR

7.....17639
13.....18532

37 CFR

1.....16920

38 CFR

2.....18354
3.....18354

39 CFR

20.....18009
265.....17224

Proposed Rules:

232.....17287

40 CFR

9.....17100, 18009
52.....16799, 16801, 16803, 16806, 16989, 16996, 17226, 17229, 17232, 18010
63.....18020, 18026
72.....17100, 18462
73.....17100
74.....17100
75.....17100
77.....17100
78.....17100
81.....16996
122.....17950
124.....17950
136.....17160
180.....18543, 18546, 18547
185.....18547
186.....18547
258.....17649
260.....17001
271.....18356, 18358, 18360,
300.....16808, 17004
372.....18361
720.....17005
721.....17005
723.....17005
763.....18364

Proposed Rules:

Ch. I.....17288
51.....17509
52.....16823, 16824, 16829, 17034, 17288, 17289, 17746, 18385
55.....17748
58.....17509
63.....16829, 16920, 18071, 18078
70.....17750
72.....18472
81.....17034, 17756
86.....17509
122.....17958
124.....17958
170.....18555
180.....18555, 18557, 18558, 18560, 18562
185.....18562
186.....18560, 18562
300.....18565
372.....16830
761.....17510
799.....18079

41 CFR

101–20.....17653

43 CFR

12.....17237

Proposed Rules:

426.....16922
427.....16922

Public Land Orders:

7131.....18030

Proposed Rules:

3100.....18081

44 CFR

64.....17005
65.....17007, 17009, 17011, 17012
67.....17013, 17020

Proposed Rules:

65.....17758
67.....17035, 17042

45 CFR

Proposed Rules:

2544.....17761

46 CFR

12.....17134
13.....17134
15.....17134
30.....17134
31.....17134
35.....17134
78.....17134
90.....17134
97.....17134
98.....17134
105.....17134
151.....17134
153.....17134
154.....17134
401.....18366
403.....18366
404.....18366

Proposed Rules:

Ch. I.....17287
Ch. II.....17763
67.....17290

47 CFR

73.....17023, 17253

Proposed Rules:

1.....17294
63.....17763
73.....17048

48 CFR

915.....18030
916.....18030
970.....18030
1802.....18032
1850.....18032
1852.....18032
6101.....17023

Proposed Rules:

6.....17295
12.....17184
16.....17295
52.....17184, 17295
Ch. V.....17764

49 CFR

173.....17398
178.....17398
180.....17398
552.....17254
554.....17254
573.....17254
576.....17254
577.....17254
1043.....16808
1084.....16808

Proposed Rules:

Ch. I.....17049
Ch. II.....18390
190.....17295
191.....17295
192.....17295
193.....17295
194.....17295

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as ''slip laws'') from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 889/P.L. 104–6

Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Apr. 10, 1995; 109 Stat. 73; 20 pages).

Last List March 27, 1995